

PUBLIC HEARING ON THE DRAFT PROGRAMMATIC  
ENVIRONMENTAL IMPACT STATEMENT (EIS)  
ON MOUNTAINTOP MINING/VALLEY FILLS  
IN APPALACHIA  
HELD IN THE FORUM AT THE HAL ROGERS CENTER  
101 BULLDOG LANE  
HAZARD, KENTUCKY  
JULY 22, 2003

MR. JEFF COKER: I'd like to welcome you to the public hearing on the Draft of Mountaintop Mining Programmatic Environmental Impact statement. We'll begin with some general information about the facilities here. This is a non-smoking facility. We ask that you go outside the building to smoke. Please note the location of the emergency exits. You can see they're marked. They're well marked. In the event of an emergency, proceed in an orderly fashion as quickly as possible to the nearest exit from the building. The restrooms for the facility are located out in the lobby, back up the lobby, take a left down the hallway, and they'll be the first door on your left, men's and women's are both in that area. Approximately every hour or so during the course of the hearing, we will call for a five minute comfort Sreak. Hopefully, this will provide sufficient opportunity for everyone to take a break, so that no one need to miss any of what's said here today.

As you entered the forum, you had to have noticed the registration table. We hope that everyone registered as you came in. And, if by some chance you didn't, we ask that you take a moment to register before you leave. Folks will no doubt be coming and going throughout the hearing, and this is the only way we have to get a reasonably accurate idea of the total participation at these hearings. And, even more importantly, if you came here today with the intent of speaking at the hearing, you must complete a registration card. If you do plan **to** speak and haven't already registered, please go back and register as a speaker now. If there **is** anyone who might need assistance in coming **up to** the podium to speak, please let the folks at the registration desk know, as there is an access ramp to the stage, and other forms **of** assistance can be provided as necessary. With that said, let's move into the more substantive part of the public hearing.

As you may already know, as part **of** the December 1998 Settlement Agreement, the agencies represented here on the stage today agreed to participate in the preparation of a Programmatic Environmental Impact Statement on the Impacts of Mountaintop Mining and their Associated Valley Fills. The purpose of this Programmatic EIS, as specified in the Settlement Agreement, was

considering developing agency policies, guidance, and coordinated agency decision making processes to minimize to the maximum extent practicable, the adverse environmental effects to waters of the United States and the fish and wildlife resources affected by mountaintop mining operations and to the environmental resources that could be affected by the size and location of excess spoil disposal sites and valley fills. In the time period since the Settlement Agreement, the agencies have diligently worked on the **EIS**. The agencies' efforts culminated in the development and release of this draft EIS document for public review on May 29<sup>th</sup>. The usual review period for a draft **EIS** is 45 days, however, recognizing the widespread interest in the document and the need to provide sufficient time for the public to work their way through the complexities of its content, we have extended the time frame for review and comment. A 90 day public review and comment period will end at close of business on August 29<sup>th</sup>, 2003.

This is one of two public hearings planned in association with the development of this document. The purpose of these hearings is to hear comments on the draft **EIS**. We cannot respond to your comments during the hearings. Your comments will be transcribed and we will

respond to them in writing as part of the final EIS. We are here today to listen to you, to hear what you have to say relevant to the continued development **of** the EIS document. We recognize that many organizations and individuals wanted to comment, **so** we have structured these sessions to offer as many as possible the opportunity to do so. This is a two-part session. The first session runs from 2:00 to 5:00 p.m., and the second from 7:00 to 11:00 p.m. **So** that we may be sure we have provided everyone who may choose to speak, an opportunity to do **so**, we must limit the speaking time to five minutes. Some of you may have more comments than can **be** addressed in five minutes. If so, you are encouraged to submit these additional thoughts and comments in writing. **You** do not need to speak here in order to submit comments. You may submit written comments to the attention of Mr. John Forren, U.S. EPA, 3EA30 1650 Arch Street, Philadelphia, Pennsylvania 19103, through the close of the comment period on August 29<sup>th</sup>, 2003. We also have provided a comment box at the registration table. If you choose to, you may place your written comments on the Draft EIS in that box and we will see that they are considered, along with all the other written and oral comments.

As we continue with today's public hearing, we

would like to take a few moments to make you aware of some of the ground rules for this hearing and describe how we intend to proceed. As indicated on the sign at the entrance into the building, for safety reasons and so that all participants can see the public hearing, we've asked that everyone please refrain from bringing in or displaying signs, banners, or posters in the building. We ask that you please be courteous with others who are speaking and refrain from expressing support or opposition to comments the speaker is making. As we proceed through the hearing, if you have need, for whatever reason, to reference the draft EIS or appendices, copies of these documents are available for reference in the foyer entrance. **Also,** if **you** did not already receive a CD version of the draft EIS document, a limited number of CD's of the draft document are available at the reference table on a first come, first serve, basis. If we run out and you would like to receive a CD copy, you may also leave your name and address with the person at the reference desk and a CD **of** the draft document will be mailed to you.

As previously stated, in order to speak at this hearing, you must register at the registration desk in the foyer or entranceway, indicating your desire to speak. If you didn't come here intending to speak, but change your

mind during the course of the hearing, you, too, must register at the registration desk. Our planned five minute comfort breaks approximately every hour should provide the opportunity for you to register to speak, if you haven't already done so. You may not, and I want to repeat it, you may not register to speak and then give any portion of your speaking time to anyone else. If you speak and do not take the full five minutes allotted, we will proceed with the next speaker on the list. No one person may speak more than once. We'll be calling out the names of those people who signed up to speak in the order in which we receive them. I will announce each person, as well as the next name. In order to keep things moving as efficiently as possible, as the speaker is coming up on the podium to speak, we're going to ask that you come up to this side of the podium, and the second person, for example, we ask that you move down to the front row.

In order to keep things moving as efficiently as possible, as the speaker is coming up on the podium to speak, the next person to speak is asked to move toward the podium. Again, you must limit your comments to no more than five minutes. At the four minute mark, we will hold up a card indicating that you have one minute remaining, so that you can begin winding up your comments. In fairness

to everyone who wishes to speak, when we hold up the card indicating that your time has expired, please end your comments. If you have more comments, or just want to submit written comments, you may place it in the box at the registration table that was provided for receiving written comments or mail it to the previously identified EPA Philadelphia address. I want to add one thing here for the written comments. The timekeeper that we have, the clock that we have, makes a ticking noise, **so** please don't get excited about that ticking noise. It will ring at the time when the five minutes is up. Again, all comments will be transcribed. We ask those that are speaking to please speak clearly, loudly enough to be heard, and to be mindful of the fact that the transcriber is trying to catch everything you're saying. **If** the transcriber is having difficulty hearing or understanding what you are saying, they may stop you and ask you to speak up and/or repeat what you just said. We ask that you begin speaking by clearly stating your first and last name and indicating the community and the state that you are from. When transcribed, the oral comments and written comments will be incorporated into a comment summary document and will be part of the final EIS document. All comments will be considered in development of a final EIS document. Copies

of the comments summary document will be available upon request in association with the publication of the final **EIS.**

The first speaker is Dean Shackelford. The second speaker will be Bill Caylor. While the first two speakers are making their way to the podium, I'll ask each of the agency representatives to introduce themselves. After the introductions, I'll say, "Mr. Shackelford, please continue."

Mitchell Snow, **U.S.** Fish and Wildlife Service.

I'm Russ Hunter with the West Virginia Department of Environmental Protection.

And I'm John Forren with EPA.

Katherine Trott with the U.S. Corps of **Engineers.**

And I'm Jeff Coker with the Office of Surface Mining.

**DINK SHACKELFORD** I would like to thank this committee for the opportunity to submit comments concerning the Draft of the Programmatic Environmental Impact Statement. I am Dink Shackelford, executive director *of* the Virginia Mining Association, or VMA. VMA represents over seventy percent of all the coal mines in Virginia.



We're comprised of more than seventy members made up of coal producers and various vendors and supplies who provide services to the coal mining industry. In short, we represent thousands of hardworking coal miners and taxpaying citizens, their families and companies in Virginia.

With regard to the proposed EIS, any changes to the existing rules need to be considerate of potential ramifications that hinder the mining industry's ability to provide the economical energy demanded by the American public. Virginia coal mining industry has demonstrated itself as capable to mine coal responsibly, while providing lands suitable for a diverse range of activities, mineral lands suitable for facilities such as hospitals, schools, shopping centers, as well as farm and timber production have developed through the mining in Virginia. Many raise concern that the proposed rules will drastically inhibit future development of level lands in Southwest Virginia through mining. For decades, professional planners have declared the number one problem that hinders economic development in the Central Appalachians is the lack of level developable land. The mining industry has helped in the past and can help in the future to create level useable land, ready for human development within our region. It is

our fear that any regulation that goes too far in curbing these currently accepted practices of the last twenty years will be detrimental **to** the region in both the short and long run. In Virginia, we've built miles of waterline in areas that everyone said why build those there. No one will ever build anythiag there. Well, they were wrong. Homes and businesses has sprung **up** all along those miles of then lonely waterlines, just as development will occur on these manmade level areas created as a result of today's mining. Don't deprive us **of** future development by eliminating the incentive to develop these lands.

The regulation **of** mining does not need to be made more cumbersome by multiple federal agencies and bureaucratic regulations. The overlapping -- the more overlapping **and** the more attempts **by** federal agencies to entrench themselves and job security by seizing dominance over the Office of Surface Mining and the various state mine regulatory agencies' responsibilities is a travesty upon the American citizens who demand energy at an economically reasonable price and the working people who meet this demand. It further dismisses all the empirical environmental progress made by our efforts to protect the environment and create usable land in the last twenty years. In short, this regulatory act could be one huge

step backwards.

Thank you again for allowing me to make these comments. VMA and its members are proud to be a part of this process and to be providing economical energy to millions of Americans.

MR. Coker: After Mr. Caylor, our next speaker will be Rebecca Mullins.

BILL CAYLOR: I have about ten or twelve minutes lined up in presentations and have worked on it. I was wanting to give a lot of facts and figures about Kentucky, and talk on the importance of the coal industry and its effect on the economy, but this limited five minutes is throwing things a little bit out of kilter. Sometimes I wonder, you know, why they even structure things this way, but I will, to the best of my ability, work within that time frame. For my benefit, could I see a show of hands of the people that are here to speak in support of the coal industry and the good job it's doing on the environment and the economy. I want to thank you all for coming. I would encourage each and every one of you to just take your time and just walk up here and say my name is, and state your name, and just say, "I support the coal industry."

Kentucky has been a historical leader in this mining coal over the years. Currently, we're number three behind West Virginia and Wyoming. We mine -- our production peak is about 179 million tons in 1990. We're down to about probably 120 Million tons last year and we're going to go down another 10 percent this year. We have, as of 2000, we had close to **15,000** coal miners, making about \$46,000.00 a yeas on average. Eecause we had close to **15,000** miners, we had a multiplied effect of three that would employ more people. We paid a Hundred and Forty Million roughly in severance taxes. We generate other taxes of over Four Hundred Thousand in other general revenues to the State of Kentucky. When we sell our coal, we receive a total of a little over Three Billion Dollars for the coal, and of that, we sell about eighty percent of our coal, or more, out of state and. we brought in 2.5 Billion from twenty-seven states and eleven countries. That's a lot of money to bring into the State of Kentucky and means a lot to the economy. Most of that money stays in the State of Kentucky and circulates in terms of wages, benefits, purchases of equipment. So, it's really important, our industry, to the State of Kentucky. We're like the Saudi Arabia, how they take our money overseas. We're bringing monies like that into Kentucky and it's

turning around and around in our state economy. **So**, it's really important and I appreciate the job that you all are doing.

We provide this country with cheap electricity. The rate for Kentucky electricity is 4.1 cent per kilowatt hour, and this is the basis for the economic recovery of this country is on cheap electricity. **If** the price of electricity goes up, it's going to slow the economy, it's going to slow the recovery. **So** it's critical in this country that we do things that will be a positive step to generate economic activities. Coal generates 97 percent of Kentucky's electricity. We generate 52 percent of the nation's electricity and that's going to fall a little bit this year. Probably natural gas is going to make some inroads, but coal will stay at least 50 percent of the electricity production in this country. Nuclear comes in second at 20 percent, natural gas at 16 percent, and, like I said, that may go **up** to 20, but I feel it's going to start coming back down, because the price of natural gases has shot up three to four times. Then you have hydraulic 7 percent, oil and renewables. Renewables make up about 2 percent of our electricity production, and it does not from the windmills, it does not come from the solar panels. **So**, coal is the work horse, the solid work horse **of** this

country to generate electricity, and I urge you not to do anything that would change that.

We pay a lot of taxes. We pay 35 cents a ton for the abandoned mine fund to reclaim the old abandoned mine lands that were pre-1977. We've paid the Kentucky operators around Seven Hundred and Eighty-Four Million since about 2000. And, nationally, nearly Six Billion has been paid, and there's One and a Half Billion just sitting there in Washington, waiting to be used to reclaim some of the old abandoned lands that were pre-1977. The production in Kentucky has been declining over the number of years. The number of mines in the last fifteen years or *so* has declined at least by 80 percent. The employment has dropped probably 61 percent in that period of time. Over the last couple *of* years, that's probably even exacerbated and gotten worse. The current activity is what's been saving us. The American coal miner *is* probably the most productive worker in America, and productivity increases has shown a 77 percent increase. That's how we've been able to afford to shrink everything and stay in business and compete on such a competitive market.

Nationally, mining over the last ten or twelve years has stayed flat. Eastern Mississippi and Western Mississippi received the growth and that growth is coming

from that area called the Power River Basin, which is long and we've seen their production go from 154 Million tons in 1988 to almost 400 Million tons today. Last year, it was almost 375 Million tons. That's where all the production is coming and that's where the jobs -- that's where all the action is. it's not east of the Mississippi, and especially not in Kentucky. And one might ask why is all this mining happening there. **It's** because the seams of coal are 40 to 50 feet thick, as opposed to here in Kentucky where we mine coal that is 3 to 4 feet thick.

Production trends in Kentucky has been decreasing. We probably mined close to 120 Million tons last year. This year, with the trend....

**MR. COKER:** Your time is expiring.

**MR. CAYLOR:** I'm sorry about that. But I'm going to in closing say two things. We need to back off the policy, the change in policies. We need to get back to where we were several years ago and make this investment helpful and we do not need more regulations. Thank you.

**MR. COKER:** After **Ms.** Mullins, our next speaker will be Veronica Sawyers. Bennett Sawyers is after Ms. Veronica Sawyers.

**REBECCA MULLINS:** My name is Rebecca Mullins

and I'm from Jackson, Kentucky. My husband has worked in the coal fields since 1978, and we've raised two children from his income from the strip jobs. This area is dependent on the coal and mountaintop removal. Without the jobs we have because of this industry, most of this area would have to relocate. What use are the mountains to us other than coal? My husband works for Miller Brothers Coal Company and he operates a D11 dozer. They have a great work record for the safety of their men and they do a great job at reclaiming. For instance, without mountaintop removal, we would not have been able to build the Coal Field Industrial Park. We have hard times with every factory closing and going overseas and leaving this area with nothing. When are you going to start thinking about us instead of the environment? We don't have much here that we can make a living at. They are too many rules and too many regulations that are strangling this area. Just to mention a few are tobacco and logging industry and the new regularions on coal fields. This area is **so** depressed that many people are already out of work. What are we going to do about our livelihood when you take the strip jobs away? Are you going to come here and feed our families and pay our bills? I don't think so.

**You** sit up in your offices and decide what's



supposed to be good for us. Well, all I can say is that we need our jobs, because we can't afford to have our lives destroyed. You can go home and think of other things to do, but I think that every time you flip the switch to turn lights on or use your thermostat for electric and air conditioning and heat, you should think of the coal that was stripped to make it available at such a reasonable price. And when you take our livelihood away from us, I hope you remember every man, woman and child you destroyed with your intrusions in our lives. Thank you very much and you all have a nice day.

MR. COKER: After Bennett Sawyers, our next speaker will be Lonnie Starnes.

BENNETT SAWYERS: My name is Bennett Sawyers and I'm from Knott County, Kentucky, and I'd like to speak a little bit on this mountaintop removal. They shouldn't be allowed to divert their water onto other -- unless we're being paid **for** our property, and downstream and tearing up our property. I'm not against the workiag man or the mountaintop removal, but I am against destroying private property. You should put the water on the people that you pay the money to, that you're buying the property. And you're destroying the timber. I can't see what you're doing with it. Some of it is pushed over the hill and

burned.

And another thing, too, on the blasting. You're blasting, the ones that is using blasting, it's too heavy. It is destroying our houses, the footers. It's busting up the foundations in the house. Even the pictures on the wall fall off the wall, and I've seen refrigerators move, bounce up off of the floor. Now, that is too powerful. They should appreciate the people around here and respect them more, and not do things like that, because I know there's a law that they're breaking. They're breaking the law, because they're **blasting too** heavy, **and** I know, because I've seen them set those seismographs and I've seen them be right beside the house. I sure have. I seen one shaking his head now and I know, he said I thought you had seen it. The engineer was standing right there and had it in the ground and smiled.

**As** I said, I'm not against the working man and nor against mountaintop removal, but they should do it right, and maybe these hollow fills and these ponds that they're building are endangering other people's lives down below them, downstream, and all of this loose dirt and rocks is going into the lakes and filling up the lakes. Fish Trap Lake is catching it all, in Pike County, and if you don't believe **me**, go up there and look at it, because

they've been mountaintop removal all around me right there,  
so that's about all I've got to say.

If you'll allow me to speak on a little  
logging, will you do that, on logging.

MR. COKER: This don't have anything to do with  
logging.

Mr. Sawyers: Don't have nothing to do with  
that? Okay. Thank you.

MR. COKER: Apparently, some people in the back  
are having trouble hearing. Please feel free to move  
forward and we'll try to speak a little bit closer to the  
mike when you speak, and you try to get a little closer to  
the mike so they can hear a little more clearly. After Mr.  
Starnes, our next speaker will be Donald Rex, I think it's  
Napier.

MR. LONNIE STARNES: My name is Lonnie Starnes  
and I'm from Hazard, Kentucky, and I'm for the mountaintop  
removal. I think mountaintop removal is one of the best  
things that happens in Eastern Kentucky. I worked 32 years  
in mountaintop removal and you can go back there where you  
can build stuff on it and water and stuff is good. I'm for  
mountaintop removal. Thank you.

MR. COKER: Donald Rex Napier. After Mr.

Napier, John Blankenship will be our next speaker.

DONALD REX NAPIER: I'm Donald Rex Napier. I've lived here most all my life. I was born and raised in Perry County. Without mountaintop removal in this area, the City of Hazard would not be as it is today, nor would we have improvements of the road and the areas chat we have here, and I feel that the addition of additional regulations is unwarranted. Public Law 95 set forth perimeters that have been followed by the coal industry and have cleaned up enormous amount of stream areas in this area from the old pre-law mining days, **and** I feel that the addition of additional burdens on the coal industry is unwarranted and unnecessary. Thank you.

MR. COKER: After Mr. Blankenship, our next speaker will be Harlan Farler.

John Blankenship: I want to thank the panel for the opportunity to speak. My name is John Blankenship. I live in Pioneer, Tennessee. I've worked in Kentucky in the coal fields the past thirty years. I think that a **lot** of the bad reputation that the coal industry has picked up is because we've not looked at what the industry has done since the passage of the '77 Act. Any of the regulations or the papers I read, I don't see anything that's spoken

about the waters we've cleaned up, the femoral streams we've created, the intermittent streams we've created, and in certain cases the perennial streams we've restored. All we hear is about the head of the hollow that we've filled. But when I came here today, and you look around Hazard, you see the hospital, you see a lot of developments around here are all done on strip mined land. Those would not be here without sufficient area to develop those sites on. I think that the industry has done a great job since the passage of the '77 Act. I think we have cleaned up much more than we have interrupted, and I believe that if you look at the 303D list, you're going to see that mining doesn't really impact a lot of the waters in the State of Kentucky, but there is a lot of impact from other things, Maybe we should concentrate our efforts on working on cleaning up the majority of the problems, since we're doing such a good job keeping ours clean and taken care of. Thanks, I appreciate it.

MR. COKER: After Mr. Farmer, our next speaker will be John Ledington.

HARLAN FARLER, JR.: My name is Harlan Farler, Jr., and I'm a Perry County resident all my life and I work for Pine Branch Coal Sales and I think we do a good job on

reclaiming. We've got cattle on our -- not our cattle, but cattle on the lands we strip and they cut hay off of it. They's deer on there, they's turkey on there. They's all kinds, you know, development to where you can build on it, or pasturize it do about anything you want to, and the old hillsides, you can't do nothing with it, because it's straight up and down, you know. I'm all for strip mining. It's how we support our families. It looks like the other jobs are getting bad and everything relates to the coal fields. I know that some companies does a lot better job at reclaiming than what others do, but just because one company gives us a black eye, don't make everybody have a black eye in the coal fields.

MR. COKER: After Mr. Ledington, our next speaker will be Dave Mockabee.

JOHN LEDINGTON: Thank you all for letting me be here and have a time to talk to *you* today. I'm a mine engineer. I've spent my whole career here in the coal industry. **You** know, I kind of like to look at it from a wildlife standpoint. I like to fish and hunt and so on, I guess as anybody in the room, and, you know, I've seen a lot of really good reclamation and I've seen a lot of good habitat created and, you know, I think that there's many

habitation created and a little bit of edge effect that we've created by some of the areas that we've reclaimed and so on, it's been a good thing. Also, I think we've learned a lot about reforestation and things **of** that nature that, you know, we've shown that we can do a good job with regulations and I really don't see any reason to try to do anything any different. I think we're getting better all the time. Thank you.

**MR. COKER:** After Mr. Mockabee, our next speaker will be Roger Jones.

**DAVE MOCKABEE:** Thank you, committee gentlemen. My name is Dave Mockabee and I live at London, Kentucky and I'm the branch manager for Whayne Supply at both Corbin and Hazard facilities. Coal mining directly impacts a lot of employment throughout this group. I'm primarily talking of Whayne Supply, its eighty-nine employees in Hazard, a hundred and fifty in Corbin, and counting Pikeville and Ashland, probably up to four hundred employees in Eastern Kentucky, and also impacts twelve hundred employees statewide.

The environment that we deal with here in Kentucky, I think that coal mining has absolutely cleaned its act up in the last several years. Our Hazard facility, as a matter of fact, sets on strip mining, its reclaimed

mining. On strip land is the hospital, restaurants, motel and quite a few manufacturing facilities. And in trying to make a comment here about the rocks that go to the lake, I didn't think rocks flowed down the lakes. I think they stay in the creeks. I think the water quality problems or comments I've heard, are more directly related towards sewer probably than they are mining, and even that, that was cleaned up by the Pride program. My best concern is to put more pressure from mis-informed people, as the thing happened here recently with the airport, with some buyers of land here in Eastern Kentucky, and the articles I read about that, I was quite concerned, because they didn't talk about reclaiming and they didn't file the reclaim land. And the reclaim land is important to us. It makes us land, it puts facilities down and it helps get jobs here.

3 The wildlife in Kentucky has improved. We've all, the ones that live here and work here, have seen the deer, the elk, and the turkey, and twenty years ago, we didn't see it.

Energy independence is important to this country. We read about it and we hear about it every day, and I don't think we need to take that away from our country. It's a major issue with this country and I think it's important to be considered.



In short, I'm for mountaintop removal in Kentucky, if it's done correctly. And the mining companies out there today do it right. Thank you very much.

MR. COKER: After Mr. Jones, our next speaker will be Leonard Davis.

ROGER JONES: Good aftexnoon. Thank you for this opportunity to comment on the EIS, dealing with excess spoil disposal, mountaintop removal, and valley fills. My name is Roger Jones. I was born and raised in Wise County, Virginia. I'm a registered professional engineer in Virginia, West Virginia, and Kentucky. I have worked in the coal industry for the last twenty-five years, including numerous coal surface mining operations. My father and two brothers also work in the coal industry. The coal industry provides us jobs and allows us to provide for our families. I am proud to be working in the coal industry, along with many hardworking coal miners, professionals and the four to six other support jobs that the coal industry provides. I lend my support as a friend of the coal industry.

Our industry has for decades and continues to provide energy independence for our nation. The world's energy needs has been predicted to grow between 34 to 46 percent by the year 2010. Reasonable availability of electrical energy from coal provides the engine for

economic development and energy independence and security, Unlike some forms of energy, coal poses few security issues during production distribution, storage, or electrical production.

The coal industry continues to face many uncertainties and struggles for its very existence, including undeterminable and uncertain production costs; market competition; inability or willingness of surety companies to provide bonding for coal operations; environmental over regulation along with seemingly never ending lawsuits; the clean air act, with regulation of SO<sub>2</sub>, NOX, mercury, and maybe carbon dioxide and who knows what else; the clean water act and TMDL's.

Yet, my challenge to you is to consider which one of us would volunteer ourselves or our children to turn out the lights and the electricity off and be one of the 51 percent to do without the benefits of coal produced electricity in our daily lives.

Some people, I believe, not only favor the elimination of mountaintop removal surface mining, but favor the total elimination of any coal mining altogether through hidden agendas of environmental extremism without regard to balancing our own and our nations energy and security needs.

The coal industry provides direct jobs and many economic benefits through taxes on coal, which support vital services to schools, police, fire departments, public highways, emergency services.

Some believe that mountaintop removal mining should be eliminated and turn to the court system to pursue this effort. Yet coal companies submit for public review and struggle to obtain an approved permit for their mining operations and mine and reclaim under stringent rules and regulations.

Of the three proposed action alternatives that's provided in the **ETS**, I would support alternative #3, which I believe will provide sufficient additional environmental information in order for regulatory agencies to jointly address the concerns **of** the stakeholders and make environmentally sound decisions on permit applications.

However, I would also like to express my much concern that the cost association with obtaining a permit is ever increasing and some smaller reserve areas are being eliminated due to these costs. West Virginia coal production in the first quarter of 2003 dropped by 15 percent, nearly 15 Million tons **from** last year, yet electrical power consumption increased by nearly 2 percent

last year. Coal is in increased demand for electrical generation, with little or no increase in price, while natural gas prices have nearly doubled. Why is that? Yet, the coal industry continues to experience cutbacks, layoffs and many companies are in bankruptcy.

This ends my comments for today. Thank you.

MR. COKER: After Mr. Davis, our next commentator will be Harry Fields.

LEONARD W. DAVIS: My name is Leonard Davis and I appreciate the chance of standing before you today. I've worked in the coal fields for twenty-five years and I think it's the most committed labor industry that I've ever had any dealings with. I think that we all need to concentrate together and find a solution to these problems, instead of finding a way to end them. I'm proud that I work in the coal industry, and I think that if we pool **our** resources together and the technology we've got today, that we can come out a good solutions. Thank you.

MR. COKER: After Mr. Fields, our next speaker will be Paul David, and I apologize on the last name, I can't hardly read it, Tumbler, I'm going to try that.

Court Reporter: Spell that for me, please.

MR. COKER: I think it's T-a-m-b-l-e-r.

Court Reporter: Thank you.

HARRY FIELDS: Thank you ladies and gentlemen.

I appreciate the opportunity to speak this evening. I'm Harry Fields and I'm a mining engineer and I represent several land companies and holding companies on several thousand acres of minerals, and also I do a lot of permitting in the coal industry and have worked in it since the early 1970's, and I'd like to make a couple of comments. We do -- we don't need any more regulations, we actually need to roll back some.

One of the things you hear a lot of, and especially the news media and environmentalists, we're talking about mountaintop removal, you hear about the elimination **of** thousands of miles of stream. Well, the government's definition of a stream, let **me** just give you an example. **If** you own a home and it doesn't have a yard and we have rain like we've got out here, you have a downspout and the water pooling across that yard, if you have a stream that's two inches deep and four inches wide, by definition, that's a stream, and it could even be smaller. Now, with the Corp of Engineer right now, to get a permit, they evaluate these streams, and we're assessed on a per foot between \$100.00 and \$400.00 per foot per stream litigation. Now, if you're a landowner and you wanted to

build a flowerbed in your yard that would effect a 10 foot of stream, now when you're talking about by law, you should be paying the government \$1,000.00 to \$4,000.00 just to build that little flowerbed. And what people in the news media don't put in, when most people dies, a stream, or I visualize it as something that's probabiy a stream that's 20 foot wide, 2 foot deep and flows year round, but by federal definition, it's not a stream. I mean that is a stream, but it's not what we're dealing with. There is a width that we deal with, or a stream that normally don't have any water flow on most of cur hollow fills, during that year, it's still constraining a high rainfall period.

The other thing, to get away from that, is the fish and wildlife. You know, we've actually been -- we did have a good program, having fish and wildlife habitat as reclamation for our mountain tops, and this has been eliminated basically, bur; we did a good job. We brought back a lot of wildlife to the area. The areas are reclaimed with fish and wildlife, can be used for industrial, but before, we didn't have any turkey or deer. Now we've got elk, turkey, deer, coyote, fox, you name the species that have come back that we didn't have before, and under a good regulated program, we can improve that. And

I was raised here in Eastern Kentucky, and without mountaintop removal or areas that are developed from strip mining, we're just limited to building along streams, in the flat areas beside the stream, and, usually, that may even be in the flood plane.

*So*, you know, the coal industry has suffered a lot, but we've changed a lot. We've come a long way since the regulations in 1977, pre-law, and I don't think that more regulations that's adverse to the coal industry is going to help. I think it's going to harm. And we're losing all of our people, they're moving out as the jobs decrease, so that's one bad thing. And, then, as a representative **of** the mineral industry, we bought and paid for this coal years ago, and I represent several million tons **of** coal, and if we can't mine it that would be affected by mountaintop removal, then that's a taking of **our** mineral, and I think that if the federal government is going to do that, then they ought **to** be considering paying for that mineral, because it's a taking from us.

And I just -- I wish that you would reconsider and not, on the new regulations, and if you do anything, is come back and revise some of them that's not nearly as strict and I appreciate the opportunity to speak to this group today. Thank you very much.

MR. COKER: This will be our last speaker before our five minute comfort break.

PAUL DAVID TAULBEE: Well, the difficulty with my name does not reflect too well on a retired school teacher, but I am Paul David Taulbee. My family originated in Breathitt County and I come from a long line of coal miners. My grandfather came up here in 1912 and he was a logger when the railroads were extended to Hazard, and he went on up to Jeff, Kentucky, and he helped put in Kenmont Coal Company, and my grandfather worked from 1915 to 1952. He was there when the first load of coal left Kenmont till the company shut down in 1952.

My father was a coal miner and he put twenty-eight years in. His latter part of the coal -- he went into the mines when he was seventeen years old.

Now, after I retired from teaching in 1997, I got a -- took a position with the Hazard-Herald Newspaper, and, praise the Lord, I'm not a trained journalist, because when I go to a meeting such as this, I don't come in here with a story already written, I write the story about what took place, and I'll tell **you** what, I am sick and I am tired of people who have never lived in Eastern Kentucky, but come in here and defile us and tell us what we should be doing. We know, brother, we know, and sisters, we know



what needs to be done. We have American troops in the Mid-East and if we weren't *so* dependent upon the imported oil for our energy need, I doubt very seriously if we'd hear on the news tonight that two more American soldiers were killed in Iraq and we have a fossil fuel right here in Eastern Kentucky and the Powder Basin down in Montana has produced all the energy that we need. We have engineer, Bill Caylor, we've got engineers in this America that can burn coal and burn it safely. We're going to do it, we're going to build a power plant down here that's going to burn about 10 Million tons a year.

Let me talk about that coal severance tax. It has brought millions of dollars back to Perry County and to other counties in the Eastern Kentucky Coal Fields, and we use that to build infrastructure. I think there *is* a prejudice in parts of this state. They don't want us to have the Coal Fields Industrial Park, and I've talked to Ben Chandler and I've talked to Ernie Flercher right up here, I've talked to Ernie, and one of these fellows will be elected Governor. Both of them told me that they're going to 4-lane 15, and hallelujah, we're going to get access. I've got a nephew, my brother came back from the Army, and you fellows there in the coal business know that with mechanization and technological improvements, a lot of

us had to leave these mountains. My daddy had to leave. But I've got a nephew up there. He's still got mountain groups. He's industrious. They're the most, the hardest working, and the most industrious people we have in these mountains are our coal miners. And, Good God, they're smart. Honey, if you go into a coal mine and you're not smart, you won't live too **long**. They're engineers, they're technicians, and they're the best wholehearted people, there's never nothing a bunch of men that bonded together like a bunch **of** coal miners. It beats the Army.

But, anyway, this nephew **cf** mine has got a factory in Georgetown. He's got a factory **in** Louisville, Kentucky, and he's got severai factories in Michigan, and I talked to Tom Jones the other day at East Kentucky Corporation, and Tom is interested in coming down here and putting a factory right down there at the Coal Fields Industrial Park. Now, if we hadn't had mountaintop removal, where would Tom put his factory? Honey, I like Wal-Mart as good as any of you, but where are we going to put a Super Wal-Mart, if we don't have the flat space. Now, that's what they're trying to do to us. They're trying to tell us, the ones of us who live here, and we know it, and it's time that we send him a message and a strong one, because East Kentucky is for the people of East

Kentucky, and if we get the jobs, we get a bunch of industrial parks, I'll tell you what'll happen, all those East Kentucky transplants, my cousins and my nephews and your uncles and your brothers and your sisters, they'll come back. You go to these family reunions, go to those cemetery visits, how many of those old transplanted Kentuckians, and I don't care how long they live in Ohio or Michigan, Indiana, what do they say, "I'm going home this weekend." You know, they tell that **old story** about Saint Peter went to Heaven and there was a man up there and Saint Peter was showing him around and he looked around Heaven and he said, "Why, Saint, what's you got, what's you got that little place caged in over there for," and he said, "Honey, that's them old boys **from** East Kentucky. They want to go home every Friday night." And my daddy, when he got that job up there in Dayton at General Motors, and he worked that night shift, just **as** soon as 11:00 o'clock hit, him and his buddies got in their car and they drove down home, and they was home every weekend, and they'd drive back on Sunday afternoon, because we have an unbelievable work ethic. I mean our people are great people, and if you'll listen to us, you can allow us without burdening us down with all these ridiculous regulations, sent down from upon high, who makes these decisions. We, the people,

elect our leaders, and just because it comes from Washington or Frankfort, does not mean that we cannot change it, so ask these representatives, ask these senators and tell them that we want to be unbinned and left alone **so** we can develop to the fullest extent. We'll solve the energy problem for you, Honey, if you'll leave us coal people alone, we'll do better.

Thank you, and God bless you.

MR. COKER: Larry Roberts will be speaking after **Mr.** Mohn.

KEITH MOHN: My name is Keith Mohn and I live in Pennington Gap, Virginia, and I'll have to be the first to admit that after listening to Mr. Taulbee, I think I'll be a sad story, but the **EIS** was developed to address concerns arising from surface mining of coal, in particular, steep slope mining and the associated valley fills. The valley fields are essential for the mining of steep slope areas. We can't do without them. Though it wasn't specifically addressed, now, the executive summary for the purpose of need, the recommendations contained in the EIS will effect all types of mining. We have to have valley fills to develop new coal mines, whether it be surface or underground. We have to have places to store

refuse, and we have nowhere to put them except in valleys or in the head of hollows. In reading the action on the terms that's listed in the draft EIS, I support alternative 3, and my support of this alternative is tempered by the concerns and modifications of the stream buffer zone rules. The current stream buffer zone practices and policies has been in place for more than twenty years, and they've been accepted by both industry and the regulatory community during that period. Also, elimination of mountaintop removal mining and the valley fills associated with them will satisfy only a small core of society, most of those who don't even reside in this area. Apparently, their goals don't include providing employment in the Appalachian Coal Fields other than minimum wage, eco tourism, nor do they consider the beneficial collateral effects of mountaintop removal and mining industry in general.

We hear that coal can be mined by other means, such as underground mining, but if an operation can't be cost competitive, then it will not succeed. Coal production will continue to shift to the Western Coal Fields, and the economic gains of these will cease if we abandon mountaintop removal and valley or head of hollow fills. Once lost, we may never regain the economic strength that we have today. Thank you.

MR. COKER: After Mr. Roberts, Larry Roberts, after Mr. Roberts, our next speaker will be Lawrence Joseph, Jr.

LARRY ROBERTS: Good afternoon. I'd just like to say I'm from Hazard, Kentucky. I just moved here a year ago. I work for Horizon Natural Resources, a coal company here that does mountaintop removal, and one thing that was interesting when I first moved here was -- I moved from Ashland -- was that when my family came down, we were looking for a place to buy a house, and I looked around and houses here were a lot more expensive than I had anticipated. I talked around the office and they said, 'Well, that's because you don't have any land. **You** can't build **on** any flat land, because there's no flat land.' And here we've got mountaintop removal that **is** solving two problems. We'll be able to provide **coal** to the country so it can remain as it is, and we have producing level land as a premium here in Eastern Kentucky, I live in a house that they dug a little flat level off **so**, a site they could put a house on. I'm on a cliff. I like mountaintop removal, I like to live on top of one. One other thing we didn't realize is sometimes these regulations come through, if you're looking at it and it might be looking at it in telescope, looking at a very limited view of what they're

looking at. They're looking at coal. It's not just coal. It's the economy, it's family, it's a whole bunch of other things, what we've got to take into account. Without coal here in the Appalachian, I wonder what this area **would** look like.

That's all I have. Thank you.

MR. COKER: After Mr. Joseph, our next speaker will be Gary Harned.

LAWRENCE JOSEPH, JR.: Thank you. My name is Lawrence Joseph. I'm from up here, a place called Viper, Kentucky and I'm a landowner and have been a miner. I've lived here about all my life. It sounds easy what we've got to deal with and what we've got to say here today, but it's real, real important, everything that goes on here. What I want to talk to you mostly about is land titles. Now, this land that nourishes us, this is -- a lot **of** people think that we rape and ravish it, but it's land, it nourishes us and it provides for us, and people who are born here and of here will not necessarily rape and ravage what's their mother.

Now, I was a mine inspector down in Breathitt and Wolfe in 1978, '79, whenever **OSM** got, their start. I was a safety and health inspector, and I saw people lose

everything they had because they were mining pencil marks, and the Lord put this little thin coal here that you cannot deep mine, and them boys is in there trying to put the high walls back and they went broke, they lost everything they had. The landowner is jumping up and down hollering leave me a flat place and a high wall, because my old dad got up on the hillside farming, tree farming, we've got a certified tree farm, we've got a couple thousand acres, but, anyway, he said, "**You** can build a flat place, but you can't build a hillside." I've got three ribs here tore out **from** plow handles to prove it. **Now**, the dirt, sand, and soil just washes down the mountain, but, anyway, what we've got here is the rights to the land. Now, OSM and Fish and Wildlife and **EPA** and the Ccrp of Engineers, the best I know, land comes with a deed. Title to the land is by deed or by a will. Now, some of my tracts of land starts at the top of the hill and comes down across the hollow and back **to** the top of the hill on the other side, and we own watersheds in places, but according to Harry Fields now, the Corp of Engineers, they own the hollow. My land comes down to the Corp of Engineers property and goes with the Corp of Engineers property to the head of the hollow, out the top **of** the mountain, if it's a triggle zone, and back down the other side and back **to** the top of that hill. They



ain't but one problem with that. Now, you fellows have got deeds for the Buckhorn Lake and Carrs Fork, but you don't have a deed for my home. Now, I know a lot of us don't -- well, a lot **of** us do believe in Scriptures. Now, the Scripture says, "Cursed is he who moves his neighbor's land marker." Now, this ain't the first time something like this has been done. A lot of us are patriots, a lot of us our ancestors, we didn't come over here on no boat here recent, but some of our ancestors met the boat, and then a lot of us have Indian blood in us. And, then, we've got -- my ancestors was in the American Revolution, right along with old George Washington. And while we're talking about George, let's talk about his land title. You know, we feel bad that they want to take **our** coal land and force land from us and we can't manage it the way we see fit, they're going to take it from us, that right, without a deed. They're going to do it with an Act of Congress. Now, how did they acquire the eleven hundred acres that overlooks Washington. The United States Army acquired it. It belonged to George Washington. I know a little Scripture and I know a little history. Now, the Pentagon, the Corp **of** Engineers built the Pentagon, they built it on George and Martha Washington's land. There's no two people in America done as much to get us our freedom, to get **us** to

where we're at, than George and Martha Washington. But, bless their hearts, they must not have done enough for us, because we didn't respect them enough to let them pass their land on down to their children and great grandchildren, because George and Martha's great granddaughter, she lost her eleven hundred acre farm. Her eleven hundred acre farm was taken by the United States Army, and the Pentagon today sits on that land, and the Tomb of the Unknown Soldier has got a crack in it goes all the way around it, just Pike America. America is being cracked today. Now, we're under a curse because of the way we've treated. President Clinton said we treated the Indians and the slaves shamefully, and we're under a curse today because of the way we've done people, and I see my time is about up, but the only thing any further, as the Corp of Engineers, you need to remember is "Cursed is he who moves his neighbor's land marker." That's in Eeuteronomy. And just as sure as there's a God in Heaven, you fellows may take my land, but, by God, you'll take what goes with it.

MR. COKER: After Mr. Harned, our next speaker will be Charles Reed.

GARY HARNED: My name is Gary Harned and I'm from Corbin, Kentucky and I've lived there for about

twenty-six years. I moved there from Morristown, Kentucky and have lived a short while in Barbourville, Kentucky and Hazard, Kentucky, and I came into the coal fields with no preconceived ideas. I knew little about coal mining or its people, and one thing I noticed right from the very beginning upon reaching this area, that coal is the one thing it did have going for it. The coal provided better paying jobs in the area, and those jobs that service it paid better as well. It provided the flat lands much of our development has occurred on, especially here in Hazard when you look around you the last twenty years, many facilities was built right under the surface mine mountaintop land. It has **also** provided a cheap source of electricity that allows companies like KU, so that they can supply the cheapest electricity **in** the nation. It's provided opportunities for wildlife to come in with the new growth on the reclaimed lands. We have elk and deer and the elk that have been re-established in Kentucky are a result of the growth that has grown on this surface mined lands, not in spite of it, as the KF&C would have you believe.

I believe that the mountaintop mining and valley fills are absolutely necessary for the surface mining and ninety percent of the remaining reserves in

Eastern Kentucky. It cannot occur without valley fills. It cannot occur unless we are afforded spoil areas. The U.S. Army Corp of Engineers' determination that all waters, no matter how small a watershed, are under its umbrella and the jurisdiction could be a death mill **to** an already ailing industry in the Appalachians, and also the Western U.S. as well, should the Corp of Engineers expand its definition to Wyoming and Montana. The Corp's insistence on stream mitigation when fewer -- when there are a few instances to be had, or payment of \$400.00 to \$500.00 for linear foot stream mitigations, which can make a hollow fill exceed One Million Dollars in value, sound like something from nighty-mare. Even though Judge Hayden's decision **has** been remanded, the Corp of Engineers has, in essence, adopted its definition of ways to define a stream under the Clean Water Act where two drops of water come together. This decision by the Corp of Engineers has had and will have far reaching consequences in non-coal mining construction as well. Currently, your Kentucky highway dollars are being diverted from stream mitigation to allow for the fills necessary for disposal of excess dirt and rock. For instance, the developers of the Hazard's new Super Wal-Mart had to pay in excess of Three Hundred Thousand Dollars under protest of fees to the Army

Corp of Engineers. All of this has been propagated by the endless lawsuits by organizations such as KFPC and West Virginia conservatives. What do these organizations want? Just look at their web sites, read their publication. They want an end to all coal mining of any type. They also oppose major highway construction, because it disturbs the environment. The KFPC could care less if many of **us** lose our livelihood or way of life. They get their income from somewhere else. Or they's appalled by the appearance of an active surface mine as they drive from Lexington, Louisville, Illinois, or California. They don't think **we** need coal. After all, we can always use wind power. Or it's like everything else to be, we need to let some other country mine it. We can just buy it from them. This thing likens to me to that of a lady that my cousin married some years ago. His new bride-to-be was a city girl from Connecticut who had never seen a cow, and upon visiting my uncle's dairy farm, she expressed her disgust and dismay that they milked and drank milk from those nasty creatures, rather than buy it from the supermarket. I ask the Corp of Engineers and the **OSM** today and those other groups that -- those other groups here represented, to not stiffen the regulations on mountaintop mining and to re-examine **your** definitions -- I ask the Corp of Engineers to re-examine

your definition of 401 permit covered watersheds.

Mr. Crocker: After Mr. Reed, our next speaker, again I'm going to try the last name, I think it's Carl Romer or Ramey, one or the other, Appalachia, Virginia.

CHARLES REED: I'm not a coal miner, but I'm Charles Reed from Appalachia, Virginia. I actually live in Aroba, in an area where there's a lot of mountaintop mining. I've heard people say today that this kind of mining has helped the economy. In the area that I live, I don't think it's helped the economy. I'm just a contractor. I'm an outsider. The things that I see are Wise County **is** even talking about closing the Appalachia High School. The economy has gone downhill. The whole town has gone downhill. The whole community has gone downhill. If there's all this economy in this type of mining, it hasn't shown up in Appalachia.

We've heard a lot of facts today **of** you that work in the mines, and you realize that that is your livelihood, but I see a **lot** of devastation. I see forests that have been destroyed. I see streams that I used to fish in, They don't have the fish in them that they used to have. There's just been a lot of devastation. I'm not against mining. I am against destroying what God gave **us**. I mean he gave us a beautiful world to live in. We've

destroyed our forests. Just behind my house, I live right in the edge **of** the woods, because of the strip job, they decided that they were going to move a power line, and everything that they cut, and there were trees there that could have been logged, could have been used for our resources, and they left them laying. Now, what are they going to do with all that stuff. They're not going to clean up that mess, They're just going to leave it lay, and they destroyed what could be used to help somebody.

And I don't see a lot of good coming out of mountaintop removal. I asked somebody, I said, "What is a mountain?" We heard one guy talk about a stream, and he talked about just a little trickle. Well, what is a mountain? How big does it have to be to be a mountain? **How** much do we have to remove off of the top to call it mountaintop removal? There's one place on Black Mountain that they -- in fact, there's thirteen jobs in Wise County of mountaintop removal. There's no reclaiming those properties. I asked one of the inspectors, I said, "How are you justified by pushing all this over the mountain?" And what they did, they just took the whole top off, and he said, "We're justified, because there's a bench down below." **So** they pushed all the dirt, the **rocks**. They didn't cut any of the trees. They just destroyed it all.

I'm against what we're doing in the destroying **of** it. I'm against destroying streams. I'm against destroying our resources. Our trees are valuable. And I think that it is time that some of the laws do change. I don't want to put anybody out **of** work, but I'd like to see some **of** these things changed. Thank you.

MR. COKER: Our next speaker will be, after Mr. Rumer or Ramey, will be Bernie Faulkner.

CARL RAMEY: Thank you, sir. My name is Carl Ramey and I live at 1630 Roder Road, Appalachia, Virginia. I live in a coal mining community, and I'm also a retired coal miner **of** thirty-seven years, and I have been associated and all coal miners are my brothers. I'm a retired United Mine Worker, and, as I said, I live in the community, Mr. Reed is my neighbor. We have surface mining in our community which started, re-started three years ago. It was posted in the newspaper **if** you think you'd be adversely affected by coal mining, you might ask for an informal complaint with the Virginia Department of Mines and Minerals. **A** group **of** our people in **our** community went to ask for this informal hearing. The people at the Department **of** Mines and Minerals told **us**, "I want you people to know what will be coming at you. When they start blasting, your houses will shake to the extent windows will



rattle, pictures will fall off the walls and dishes will fall out of your cabinets." And we stated, "What can we do about chis?" They said, "Nothing. You cannot do nothing." It kind of remembered me of a gentleman that I went to an environmental meeting, who was a water quality expert. He stated what made him a radical environmentalist was when he was a little boy, some people came in and destroyed his swimming hole. Well, today, what made me a radical environmentalist is some people came in and threatenec! our homes and plainly told us so. So, we pursued this informal complaint for a formal permit. It turned out to be a formal permit and it was a makeshift report set up by the Department of Mines and Minerals, defended by the State Attorney General's Office that we had no say-so whatsoever to the people, whatever they done to extract their minerals, they had a right to do that.

So, as I stated, I lived in this hollow. They was ten mining communities within six or eight miles of Appalachia, all up the way up the hollow. The hollow I lived in has over a hundred homes in it, within 300 feet of surface mining, and the people who told us what would happen to us, and there was nothing we could do about it, has so far been true. As we pursued these complaints with the so-called legal procedures set up by the Department of

Mines and Minerals, as it stands at this time, I have been sued by the coal company for attorney fees, and if I pursue to follow any other permits, follow their guidelines, set up with coal mining complaints and resolutions, if I pursue anymore, I will continue to be sued.

The things I'm stating today, they are not makeup stuff. It is a real and present danger to all of our people. These things they said would happen are happening, and, so, to continue on the case as needs **is** going to be appealed, and I cannot see any way whatsoever that coal mining should be continued. It should be done, you know, responsible, in an accountable way to protect the people who live in these communities, and, so, I want to thank you again for voicing these concerns. Thank you very much.

Mr. Cockey: After Mr. Faulkner, **our** next speaker will be Steve Gardner.

BERNIE FAULKNER: My name is Bernie Faulkner, and I'd like to you for giving me the opportunity to speak today. My great, great, grandfather mined coal here and hauled it out on a coal barge on the river. I have a list here of some things that they would never have dreamed of, that could have never been accomplished without strip mining and mountaintop removal, and I'm just going to read

this list. Trus-Joist Macmillan, Wood Mart, Hazard Airport, the Kentucky River Community Care, Mountain Ford, Peoples Bank & Trust, Daniel Boone Marathon, Convenient Lube, Parkway Shell, Best Monuments, Lee's Rice Cooker, Domino's Pizza, Mountain Chiropractic, Godsey's Auto Sales, Watts Mobile Homes, Days Inn, Kentucky Vision Center, Cliff Hagans Ribeye, Adams & Adams CPA, Clark Adams attorney, Tina's Hair, Cash Fast, Mountain Top Marathon, Appalachian Regional Hospital, Appalachian Regional Professional Office Building, ARH Psychiatric Center, The Center for Rural Health, John's Pharmacy, Accident & Injury Medical Center, Belltone Hearing Center, Timberland Cycle Center, Engle-Walker Funeral Home, LoveJoy Medical, Willie's Car Wash, Speedy Cash, Hazard Rental Center, Kentucky Farm Bureau Insurance, Worldwire Equipment, Cbaney Medical Office, CAT Scan, Jackie's Hair, Kevin Jacobs, CPS, RX Discount Pharmacy, Napier's Dentist, **RX** Medical Hone, Medi-Hone Center, MSHA Office Building, Ponderosa Steak House, The Speech Clinic, Hillside Theater, Deaton & Francis Dental, Appalachian Animal Hospital, St. Paul's Church, The Daycare Center, East Kentucky Chiropractic, another building under construction; The Hampton Inn & Suites, Applebee's Restaurant, Food City, Gas-to-Go, Victory Assembly of God, Three Forks Association Baptist Church, Oak Brook

Apartment, ARH Specialty Clinic, Social Security Building, Edgewood Mobile Homes, Hazard Fire Station No. 2, Southern Medical Partners, Mountain View Memorial Gardens, four Trailers, Whayne Supply, Perry Manufacturing, DJ, Incorporated, twenty more dwellings, one more building under construction, twelve more dwellings, one more building under construction, eight more buildings, five apartment buildings on Wesley Way, four more dwellings, The Church **of** Jesus Christ of the Latter Day Saints, eighteen more houses, one more dwelling under construction, Village Spirits, Community Trust Bank, Taco Bell's, Perry County Tire, Super 8 Motel, Captain D's, Village Salon, Arby's, Huddle House, Wendy's, KPT, **CIT** Financial Services, Herbal Secrets, Subway, Merle Norman Cosmetics, Lovely Nails, Little Ceasers, Farm Bureau Insurance, Fantastic Sam's Hair Care, Orthodontic Center, Radio Shack, Jalapeno's Mexican Grille, The Decorating Center, Goody's, Big Lots, Family Dollar, Big Lots Furniture, Winn-Dixie, Rite Aid, A-Plus Rentals, Stars, Progressive Insurance, Bernard's, Asthma and Allergy Center, C&C Mortgage, Law Offices, Cooley Medical Center, CMA **of** Hazard, The Armed Forces Career Center, Mines and Minerals Office, Bingo Palace, The Hazard Commission and Hazard Professional Association, Reno's Roadhouse, Hotel Motels, Southern Belle Dairy, The

Hillbilly Palace, Mountain Storage, Hazard Village Flea Market, U-Bet, East Kentucky Veterans Center, Miller Coal, Kentucky National Guard Armory, The Kentucky Highway Department, The Living Waters Church, The Church of Christ, The UPS Center, Spencer Medical Office, Cook Tire, and the list goes on. If Chat's not economic development, I don't know what is, and these could not have been put on the side of a hill. Thank you.

Mr. Coockey: After Mr. Gardner, our next speaker will be Dave Duff.

STEVE GARDNER: I'm Steve Gardner. I'm a consulting engineer right now in Lexington. I grew up in Appalachia, and I really didn't know it at the time. I grew up on a small tobacco farm. I hadn't seen the coal mines before I moved to Jenkins, Kentucky and started working for Bethlehem Steel about twency-eight years ago. But I've come to love the mountains, and I feel we're doing a very good job. I had the advantage of actually working for a research company back in the 70's through the process when SMACRA **was** developed. I worked on research projects funded by DOE, EPA, and the Bureau of Mines, that actually helped develop the mountaintop removal process and refine it to the point that it is today.

Mountaintop mining **is** a legal process. **It** is

defined and developed by federal and state governments. We have been using it for many years. I helped work on the training manuals for the first group of OSM inspectors. You didn't know that, did you, Bill? The industry is really frustrated by continual reinterpretation of the regs. SMACRA was supposed to level the playing field between the states and create a consistent set of regulations. But now we find ourselves continually changing what we're doing. It creates increased costs, not only for the industry, but for the consumer. We need to comply with the law, but we need to do it in a consiscent manner.

When I was growing up, I saw one deer in my eighteen years on a farm. Now, every day when I go home, I see deer more than that dead on the side of the road. Mining has actually helped the environment in many ways. We've created many opportunities that other people have talked about. I like to call mountaintop mining a value added process. We look at land values of all land in Eastern Kentucky and Central Appalachia anywhere. Mountaintop mining land is selling for \$10,000.00 an acre in some places. Raw land is valued anywhere from \$250.00 to \$500.00 an acre. I think one thing we may have seen here today is landowners want mountaintop mining. It is

interesting to note that the KFPC flyover that was held a few weeks ago at the airport was on a mountaintop mining site, and that was not mentioned in the press, but that's another pet peeve of mine, is the press. I don't know if you saw the morning Herald-Leader and the editorial that was there. We have a consistent amount of misinformation and inaccuracies. Ninety percent of the press reports unreal mining, they have mis-stated facts or inaccurate facts, and that goes for The Charleston Gazette, Lexington-Herald Leader, and The Louisville Courier Journal. I know the press has a job to do, but let's get the facts straight, people. Let's talk about what's actually going. Talk to a few of us that know what we're doing.

My Bachelor's Degree is in Agricultural Engineering. I'd never seen a coal mine before I started work. I went back later and did graduate work in Mining Environmental Assistance, but one of my specialties *is* hydraulicy, and I think I know what a stream is and what we're working with. Mining is just like any other development. It's like the road cuts out here and fills that are created for any development project. I don't think we're destroying the land, we're land-forming it and creating new useable areas.

Now, folks, I think one of the other things you've seen today is that farmers and miners are the true environmentalists today. Thank you.

MR. COCKEY: Our next speaker will be Tom Jones, and Don Gibson. Mr. Jones, if you would come forward. Tom Jones? Don Gibson. Mr. Gibson. After Mr. Gibson, it will be Paul Matney.

DON GIBSON: Good afternoon. My name is Don Gibson. I was born here in Hazard, Kentucky **some** forty-three years ago, out here about a mile from here, when the hospital was up where the library is. Since that time, I have lived in Knott County, Kentucky. A lot of what you hear from the opposition to Mountaintop removal is about heritage. I want **to** tell you about heritage just for a little bit. When I was probably about three years old, I was at the face of a working coal mines for the first time. Now, my mommy about killed my daddy when she found that out, but I saw my dad from that age of three, I saw the conditions he worked in. I saw the effort that he put in to making sure that his family was fed. Now, I feel like that a lot of what he instilled in me is the reason that I am where I am today. Now, Ms. Blanton, I think is the leader of the KFTC, recently she was quoted as saying that after one hundred years of mining, coal has left us in



poverty with destroyed streams and wells, broken bodies and failing health. Ms. Blanton, not everyone lives in poverty. Those **of** us who work in coal related jobs don't live in poverty. In fact, only if you're successful in adding more regulations and shutting down the coal industry, are we going to live in poverty.

To quote a number here that Mr. Caylor mentioned earlier, there's an estimate that **14,000** plus coal mine employees actually created jobs for an additional 56,000 people. In 2001 and 2002, Kentucky's coal industry generated some 6.84 Billion Dollars, that's Billion with a B, in economic activity in the Commonwealth. Gentlemen, I heard some guys up here talking while ago about they didn't see that mountaintop removal was good for the economy. I think **5.84** Billion Dollars into the economy says it **is** good for it. Mr. Faulkner stood up here and read off a list as long as your leg of companies that were built on mountaintop removal areas.

Like I said, I've lived in Knott County and Eastern Kentucky for forty-three years. I know what it's like to try to find a piece of land to build **a** house on. Recently, I bought my first home. Although it's not built on a mountaintop removal area, it is built on fill. Fill, that had it occurred today as opposed to a few years ago,

would have been opposed by the Corp of Engineers. Mr. Fields mentioned what a stream is. Like Harry, when I think of a stream, I think of rushing water, trout jumping up out of the stream, not some of these dry ditches that we're paying mitigation on. Personally, I have hand-carried checks to pay for mitigation on hollow fills, I do work for the coal industry, in excess of One Million Dollars to pay mitigation on some of these streams. Ms. Blanton, in her comment, mentioned broken bodies. I think most of those broken bodies that you see are those broken bodies of coal miners who have gone out here and worked. Guys like these right over here, wearing their hard hat, these guys know **how to** work, these guys know **how to** mine coal, they know how to do it right. Dave Duff, if I could, the first deep mine that I actually went into to work in, not the one that I was in when I was three years old, was in a mine that was operated by Mr. Duff and his family. I was so impressed with that. You know, typically, when you go in, you work in a mine, you set spads or whatever, you'll take in a candy bar or whatever to snack on. Well, I'd been in there for a while and I eat my candy bar and I threw the wrapper down. Well, I went on through the mine, went ever into the next entry and I got to looking around at how clean that underground mine was. Most of you, if

you've never been underground, you just think it's nasty and dirty. Mr. Duff's mine was so clean that I got to feeling guilty about it and I went back, and I walked back over, crawled back over to the next entry, picked up my candy wrapper and stuck it in my pocket. Now, I've seen those strip jobs, too. You won't find a cleaner place. Their strip job will be as clean as what you'll see out here on these streets.

I see that they're giving me the one minute sign, but as a closing thought, I just wondered how many folks here today, since coal mining is so bad and fossil fuels is so baa, how many of you came here riding your horse or in your solo powered car or in your wind powered car. I doubt if very many of you did. And I wonder when you get home tonight, will you fire up the kerosene lantern for your lights, or will you set your butt down on a block of ice to keep you cold. I don't think so. Thank you very much.

MR. COKER: After Mr. Matney, our next speaker will be Bill Gorman.

PAUL MATNEY: I'd like to thank the committee for allowing me the opportunity to speak. I was born and raised in Pike County around Elkhorn City. I live in Corbin, Kentucky today. I own property in Pike County.

I'd like to speak on about three topics. The first one, I'd like to say that today's generation of coal miners in Eastern Kentucky are the safest, most efficient coal miners that we have ever had. I salute you for everything you've done for our industry and our people. Just so you know, we talk about heritage, my father's leather hard hat with the flap for the carbide Lamp was donated to the David Gazeer Museum, Coal Museum, in Jenkins. I have roots. Both of my grandfathers and their fathers lived on the land, cut timber, mined coal. You know, in two Eastern Kentucky counties, according to the annual report commissioned by the State of Kentucky and done by the University of Kentucky, over two counties in Kentucky, seventy percent of the total earnings in those counties are tied to the coal industry. Knott County and Martin County. Three other counties. Pike County with over fifty percent. Harlan County, Letcher County with over forty to forty-five percent of total earnings depend on the coal industry. You know, where some people look and see devastation, I see the Coal Fields Industrial Park. Where some people see devastation, I see a Gateway Regional Industrial Park in Jenkins. Where some people see devastation, I see a golf course in Prestonsburg. Where some people see devastation, I see Raven Rock Golf Course in Jenkins. Where some people

see devastation, is see the Town of Hazard. Hazard, Kentucky, I salute you for your foresight in building a town on surface mined land.

You know, there's another group that I want to speak for, but I want to do that lastly. I want my second point to be this. I grew up in Pike County at a place where we had high cancer rates. Because when we grew up and our fathers grew up, we dumped trash in the head of the hollows. All of us had well water. It leached into the water. We drank that. We have high cancer rates. Today, we don't swim in our rivers, not because of coal mining, but because of straight pipes and bacteria in the water. Clean it up. Clean up the garbage. Go back and check twenty years, ten, fifteen years postmining land use, you've got water sampling before the job went in. Check the water now. The water is cleaner coming off some of the surface jobs than it was forty and fifty years ago, but we don't swim in it, but the reason we don't swim in it, we've got straight pipes.

Now, the group I want to speak for next is a group that very few people speak for, and that's individual landowners, the forgotten people in Eastern Kentucky that own a family farm of fifty acres, sixty acres, seventy-five acres. And, guess what, yes, the mineral rights were sold

by our great grandfathers to pay the farms off, but when you charge a Half a Million Dollars mitigation on a hollow fill and made it economically unfeasible to mine that coal, you're taking that person's livelihood and ability and standard of living for their family, because they're down to surface rights and they're getting fifty cents, seventy-five cents a ton for the surface rights to mine that coal. It makes me upset that we have outsiders come in and say we can't do, we cannot maintain our standard of living because we own property, but you can't mine it. How dare you come in to where I live, the property I own, and say, "I want to look at your hill and you can never mine it." If you're going to do that, pay me for it. Don't set there and say don't ever mine it.

You know, the standard of living in Eastern Kentucky may be below the national averages on average. I shudder to think where it would be without the coal industry. We would be back to when I grew up that they taught three R's in school, reading, writing and Route 23, and my friends and buddies and neighbors, cousins, uncles, they went to Chicago, they went to Detroit, and they would love to come home. Don't make us lose our generation of kids because you force us and make it *so* difficult that we cannot support our families. Thank you.

Mr. Cockey: After Mr. Gorman, the next speaker, I don't want to try the first name, but the last name is Stacy from Hazard, Kentucky.

BILL GORMAN: Good afternoon, and we'd like to welcome you to Hazard. My name is Bill Gorman and I'm the Mayor of Hazard. I've been in office twenty-six years. I served over thirteen years as vice chairman of the Kentucky Environmental Quality Commission. Eastern Kentucky has had many problems historically, but in Hazard and Perry County we have been very fortunate, because we have been able to grow in development. We have been able to take advantage of road cuts and fills. The Hazard Bypass cost Thirty-one Million Dollars. But the byproduct of it has been over a Hundred Million Dollars in development and hollow fills.

Mountaintop removal and strip jobs have provided much needed land for home sites for our people. They have provided other sites, for the Appalachian Regional Hospital, ARH Psychiatric Hospital, Physicians Office Building. The East Kentucky Veterans Center sets on the strip land. Wayne Supply, Perry Manufacturing, DJ Nitro are located on mountaintop removal sites right off the Daniel Boone Parkway in Hazard. Approximately three hundred homes in Hazard are built on mountaintop removal sites. The Coal Fields Industrial Park is a 500 acre

mountaintop removal site. It is the authority of the Perry, Harlan, Leslie and Breathitt Counties and is operated by these counties. Trus-Joist Macmillan is a wood products company that employs about five hundred people and they have over a Hundred and Thirty Million Dollars invested on a mountain top removal site. American Wood Kart in Coal Fields Industrial Park is a mountaintop removal site just finished, with a 200,000 square foot building and currently employs over three hundred people. East Kentucky Corporation just finished 40,000 square feet in the Industrial Park. Sykes in the Industrial Park mountaintop removal site has been in operation since 1999. It had 350 employees and we just lost those people, but we're going to get another one. Adjacent to the Coal Fields Industrial Park, the State gave the City of Hazard a grant to plan a proposed 18 hole golf course. Across the road from the Coal Fields industrial Park in another mountaintop removal site, is the Wendell H. Ford Regional Airport. The airport has two runways. One is 3200 feet long and the other one is 5000 feet long. We've just received a Two Million Dollar grant to extend the runways. This Ten Million Dollar project includes a new terminal, a DOR system and other state of the art equipment. There is a new Wal-Mart located on Highway 80. This development



will be costing approximately Fifty Million Dollars, developed in a hollow fill and mountaintop removal site to be completed next year. Perry County Detention Center, 5.3 Million Dollar structure, and Kentucky State Police Post 13 are also on the site.

The mining industry is doing a good job on reclamation. We urge you, with your reclamation policies, to encourage mining companies to claim the land so we can get the maximum benefit after mined for development and land use.

Thank you again for you all coming to Hazard and I hope you have a good time. Thank you. Thank you ladies and gentlemen.

MR. CORER: Stacy, last name Stacy. After Mr. Stacy, the next speaker will be Michael Joseph.

ACKRA STACY: Good afternoon. I'm not real good at this and I didn't have -- wasn't going to have anything to say, but I felt so strongly about the mountaintop removal method of mining and reading some information yesterday that I really thought something had to be said. First of all, I'm not a biologist and I'm not a -- I don't study botany or streams or anything like that, but what I do have is I've jotted some things down here. I was born and raised here in Hazard and Perry County. I'm

thirty-nine years old, and I'm here on behalf of the coal miners, and we really depend in this area on the mining, and the coal mining industry itself is a heritage for the people of Appalachia. My grandfather was a coal miner. My dad worked in the coal fields for an equipment company similar to Whayne Supply, and as a boy growing up, like I said, I'm thirty-nine years old, there was a stream. Main Lotts Creek is the main tributary to the Kentucky River, and growing up, I noticed that the rocks, as a child, the rocks were stained with sulphur or whatever for the mining and there's no, not anything in the creeks, and I guess I was about eleven years when I started noticing minnows and crawdads and muskrats and things, and different things, living near **the** creek banks. **So** that told me that the mining industry was doing better. It was actually caring about where the miners lived at. And I hadn't been working in the mining industry that long. I worked, after I got out of high school, I went to trade school and learned a trade and I worked at several garages and I worked at the Trus-Joist for several years, and I recently started work for Horizon Natural Resources at the Starfire Mine, and I hadn't been there no time at all, a couple days, and the first thing that I noticed, I was on night shift and the sun was coming up and the herds of elk, and it just amazed

me how large these animals was, and I started looking a little closer, and the diversity of the wildlife that's up on the Starfire Mining is just -- it's hard for me to set and explain it, because I'd never seen anything like that a growing up here, and, you know, you've got bears and foxes and coons and ducks and geese, and it's just -- it's like something that you could see on television. It's not like something you'd see on a strip mine in Eastern Kentucky. And I would hate to see something that is so -- that not only is our economy based on it, but the people have grown to accept a way of life, and with the American economy as it's going, it's all of our jobs and the majority of our manufacturing jobs, reading the pamphlet that I picked up yesterday, they're wanting to -- the Kentucky for the Commonwealth is speaking of having more manufacturing based economy here. Most of our jobs is going overseas, across the borders, to be able to get cheaper labor and less environmental laws. Our natural resources God put here on this earth for us to use to be able to make a living and the coal industry is up the annie to try to do it better and be more responsible, and our natural resources are needed to be able to keep our work here. Thank you.

MR. COKER: After Mr. Joseph, we'll take

another five minute break.

**MICHAEL JOSEPH:** My name is Michael Joseph and I'm from Letcher County at Whitesburg, Kentucky, and I've been working in the coal industry since 1976, and I'm not a very good speaker, I'm going to tell everybody that right now, but I'll tell you what I am. I'm the father of five. I'm a landowner in Kentucky, and I'd like to have the right if I want to to do mountaintop removal on my land and I also would like to have a right to keep on working in the coal industry and raise my kids and have them to stay in Letcher County if they want to.

I think that taking the tops of the mountains off and making level places is probably the only shot we have for keeping our kids in this part of the country, because there's no level land to build besides that. I appreciate it.

**MR. COKER:** Our first speaker is going to be Columbus Heath. If Columbus Heath would start coming forward, please. And, then, after Columbus Heath, there'll be Doris Brewer. Doris Brewer will be after Mr. Heath.

**COLUMBUS HEATH:** My name is Columbus Heath and I'm from the Corbin/Somerset area and I've heard a lot of the comments here this evening and it just about covers

everything, but I've been in the mining industry since 1964, and I've worked underground and surface, and I was around when the first Coal Mine Safety and Health Act first came out in 1969, and also the reclamation law was 1977. I was born and raised in a mining camp and my father and grandfather also done underground mining.

I think enacting anymore regulations toward the mining industry is going to hurt it, especially stopping the mountaintop removal or the hollow fills which they're, you know, proposing. I think that's going to hurt more than it's going to help, because I think over the years, back when a lot of these laws was enacted in 1969 and 1977, I think they were needed at that time, but I think it's come to the point where the agencies need to back off and look at what they're doing and how it's going to effect their communities, and I think it's going to impact the environmental and the people living in these areas, economically and well as environmentally and I think, you know, here in Hazard is a good example of what, you know, the mining has done over the years and I think the mining industry is regulated to where if it's enforced, everything can be taken care of right there on the sites. Thank you.

MR. COKER: After Mr. Brewer, our next speaker will be Earl Clemons.

DORIS BREWER:

I thank you for this opportunity. There's not much that I can add to what all's been said here today, but I am a proud miner, proud to do the work that I do and what it's did for my family. I'm the third generation of a miner. This was my papa's and my dad's hat. An old traditional light. I've had two daughters and my wife that's been sent to school and they're all three in the medical area, and it has come off of, or out of money that I've made by working in the coal field. I've always had pride bestowed upon me from my parents and grandparents and I've tried to do things right, hard work ethic, and treating people the way *you* want to be treated and such. I love this land and I love what it's done for me, and I would appreciate you all, whatever you can do, to help us keep going, lighten up a little bit on the fines and on that money that it costs people to mine. As a lot of people have said, we're just like that from miner to miner, the people in Pennsylvania, you know, that came out of there, people praising them, they made a movie on it, *you* know, of how connected those people were. There's probably lots of people in here don't really realize what the mining has done for you. Your grandpa may have sent you to college on a fund he saved from them mines. You might be one of them people that's out here

against the mining, but in some way or another, this money has come, there's a lot of it has come from the coal and timber and the work from Eastern Kentucky and other areas. I know my family has been supported on it, and I'm a proud miner. I'm proud of what work we do. I'm proud to be a part of Perry County and what we did. Some have already said our hospital, that my wife works in, **is** on mined land, and my daughters are both in medical areas, too, and I just can't say enough about what I think mining is.

I'm not against regulations to a certain point, but, you know, we don't want to just push things over a hill or anything. We don't do work like that where I work. We're proud. We build nice ponds. We've got a beautiful place. As Adam said earlier, we're proud of our work at the Starfire Mine and we have got every little animal that you could think of in that area. You can see everything over there. U.K. does a lot of studies there on our property. There's plenty grasshoppers, there's everything. Almost everything that you can think of that you see around here is over there, and I'm proud to say that I'm a miner and I appreciate what all you all can do to keep us here. Thank you.

MR. COKER: Earl Clemons, and our next speaker will be Russell Oliver.

EARL CLEMONS: I'm Earl Clemons, and I'm fifty-

four years old and all my life my family, my dad and my grandfather have all been in the coal business. Most of my friends are in the coal business or work for a coal company, and there's a lot of distorted facts out there. I always loved to hunt and fish and I know where I grew up down on Troublesome, I can remember fishing there as a 'my and I can tell *you* there's more fish in Troublesome now than there was then, and, you know, growing up, going **up** on TECO's job the other day, I counted twenty-six geese in one place, and I'd say there's not a man in here that's seen that when **he** was growing up in this part of the country. On that same job, I've seen elk walk out in front of **us**. We've always seen a few turkeys, but until the last several years, is the first time I've ever seen twenty-five or thirty in one place. That's how we've destroyed the environment.

And this group, Kentuckians for the Commonwealth, I wish you'd go out with some of us sometime and fish in some of these ponds, fish in some of these streams you've never waded in, and you'll see that the environment has not been hurt by the coal industry.

I know that in years past that the coal industry was hard on the environment, but that's twenty-



five or thirty years ago, and it's changed. And of all the things that Bernie Faulkner read off, I believe he forgot our nursing home. That was built back when I was young, I can remember when my dad, David you can remember when they stripped that. And there's a group of people here that had a vision of getting us a nursing home, and a lot of people put up part of their own money and stood good for it, and that nursing home is one of the best ones we have in the state today. It's on land that was mined back when mining was rough, when you didn't get anything for your coal. This group of Kentuckians for the Commonwealth, I don't know what part of the Commonwealth that you're for, but it's not the part that I've growed up in. It's not my home. Because people in the coal industry here, this is our home, we live here, and it's more than just people and jobs, it's a way of life, and what they're trying to do, they're doing, in my opinion, out of ignorance, because this is our home, we don't want to destroy it, and we're not going to. I've been on these jobs and I've seen improvement, I own land here. Some of it wasn't worth anything, and after it's been mined and leveled out and turned into stuff, there's buildings on it. It's producing income. I've got two brothers, we've got less than an acre and a half in Combs and the last time I counted, there was

over 20-some people working out *of* buildings on that little piece of land. It was all and made with coal mining equipment.

To come in here and say we can't take a mountain top off and develop it to something our kids can have, it's not right, because we've got a right to go forward. We've got a right to have things that other parts *of* the state has got.

Not long ago, I was on **one of** the jobs and we was talking where will Hazard grow to, what about in **a** few years when we grow and our Industrial Park is full and we're wanting factories, where are we going to put them, and we looked around. this area on some of your guys land that we've mined and there's acres and acres *you* can set ail kinds of factories on. That land, you couldn't get a billy goat across it, but now you can set factories on it, one after another. It was worthless until it was leveled out and roads built to.

Like I said, we've been in this business a long time and I've seen, we've been to homes where people take a mule and a sled and take their groceries to their house, and coal companies came in here, so at least they've got a gravel road. Years later, these roads get blacktopped, because the coal company made it possible. And I think a

lot of these people from Kentuckian for the Commonwealth, I think a lot of them think they're doing good, but they really don't know what's going on here, because somebody said something about \$10,000.00 an acre for land. Go buy an acre of land off Roy Campbell for \$10,000.00. You can't do it. It's worth more than that. It's worth more than that because some coal company invested millions of dollars leveling that mountain off, and because of that, we've got factories and hospitals and fire stations and Whayne Supply and all these, and he just read off part of it. Everything we've got, you can't build nothing on a billy goat path. If the coal company has not leveled it off, the only thing that goes over it **is** a crow. But this is all we've got is this land. I know the land I own, parts that's worth anything is something that us or some other coal company has made for us, because I've hunted a lot of it and it's been a long time since I've felt like walking up it, but we've got places now that you can go hunt and walk and get around and take a 4-wheeler, and you couldn't get nothing over it before. We used to go out in Western Kentucky and hunt deer, and now people come from there to hunt our deer. Thank you.

**MR. COKER:** After Russell Oliver, our next speaker will be Joe Evans.

RUSSELL OLIVER:

I am against mountaintop removal. The state and federal laws are not enforced to mountaintop removal mining like they should be. It's time, if you're a diversified industry, it's time for small factories to be built, not by outsiders but by businessmen from this area. Coal mining will not always be here, and if this area is to survive, other industry besides coal must be created, or Eastern Kentucky will die when the coal industry no longer exists. I'm against mountaintop removal.

A lot of people talked about how level the mountains off and you could build on top of the mountains, but you don't need mountaintop removal to create level land. You can take bulldozers and level mountaintops off without mountaintop removal. People talk about the wildlife. The Forest Service, I mean they can stock the mountains with all kinds of wildlife. You don't need the coal companies to stock their wildlife.

Governor Patton said a major university could not be built in **East** Kentucky and I challenge the coal industry to build a major university in Eastern Kentucky. There's a NASA Challenger Center that's built on the **UK** Campus near this building. I challenge the coal industry to build a high tech factory that would build NASA's

spacecraft in Hazard.

People talk about the straight pipes. Well, I would say that probably a lot of the straight pipes were built by coal companies for little coal camps, **so** they're putting some of the straight pipe problem in coal companies' lap to take responsibility for.

I wish the miners luck. I know they're hardworking and I take great pride in the men who work pretty hard in the coal mines. Thank you.

MR. COKER: I want to remind everybody to be sure and state ycur name, first and last name, and the community and state that you're from, please, when you begin. After Mr. Evans, our **next** speaker will be Rick Johnson.

JOE EVANS: My name is Joe Evans. I'm from the Hazard area, from Perry County. I'm a proud coal miner, proud to be from Eastern Kentucky, and proud to employ three hundred fifty people in Perry County. I came up here with a bunch **of** numbers and stats and stuff, maybe I'll go over. But sitting and listening to everyone speak, I've been in this industry for about thirty years now, and coming through the 70's, we saw the coal boom and oil crisis, some disadvantaged property owners and SMACRA was brought into place and SMACRA was a good thing. Everyone

worried if the industry would make it at that time. OSM sat down and let the State dictate policy and I think it's worked very successfully.

Now, all of a sudden, "Get out of the way, Fitzgerald." There are environmentalists, they came in with SMACRA. They found the Clean Water Act, and they've decided to stir the mud, and, frankly, as an American and as a coal miner, I think the agencies are thinned out now and they're not lined **up** trusting one another and I think our biggest problem on trying to manage what we need to do and mine our resources is kind of internal in the government and I say that as a taxpayer and I **nope** you take it the right way.

Coal **is** very important to Eastern Kentucky. It's very important to me and my family, and it's very important to all the families of the men that work in this industry. I hope you can understand that I'm a fairly employer in Perry County. However, I brought some statistics. In calendar year 2000, we paid out in direct wages Nineteen Million Dollars to the three hundred and thirty people. Benefits were Ten Million Dollars. And that supports the medical infrastructure that we're all proud of in Hazard and Perry County and Leslie County and Knott County, that we can support a medical infrastructure

that we didn't have **in** the past, that we had to go to Lexington to get it. **So**, in essence, I spend Thirty Million Dollars in payroll on a calendar year.

**On** a variable cost standpoint that pays for vendors and all the people that bring us motors and parts and all the things it takes to mine coal, is an additional Twenty-seven Million Dollars. Just on a power bill alone, our power bill to AEP was Two Million Dollars last year. I'm trying to say that there's a lot of money that's generated here. A lot of money stays in the state. It stays in these counties, and it provides good things for Eastern Kentucky.

**So**, for the record, we're in favor of mining our natural resources. We feel that Congress agrees with this and has set regulations in place with SMACRA, and that until all this Judge Hayden stuff is put to rest, SMACRA ought to rule.

Do we believe that the convenience of electricity comes at a cost? Yes, we do. Do we believe that mining can be managed properly from a safety and environmental standpoint? Yes, we do. Do we believe that more regulation will make mining safer or more environmentally friendly? No, we do not. Are we proud to be coal miners from Eastern Kentucky? Yes, we are. **Do** we

think that other industry or alternative fuels will provide us with the quality of life that mining has afforded us today? No, we do not. Can we be coal miners and care about the environment? Yes, we can. Do we raise our children here and want to provide them with the best in parks and recreational and natural beauty? Yes, we do. Is flat land at a premium in Eastern Kentucky? Yes, it is. Is surface mining and point removal and mountaintop removal generating flat ground? Yes, it is. Can surface mining be managed to allow for industrial parks and wildlife management areas? Yes it can.

I suggest that if you fly from Lexington to Hazard to Pikeville to Williamson to Charleston West Virginia, you will be amazed at how little of the surface has been disturbed by mining. What you will see is an urban sprawl and roads and shopping malls have disturbed much more area and zoning of these types of disturbances may prove much more beneficial in the long run than additional regulations on surface mining. Thank you very much.

MR. COKER: After Mr. Johnson, our next speaker will be David Wilder.

RICK JOHNSON: Thank you. My name is Rick Johnson, and I was born and raised here in the coal fields.



I'm a fourth generation coal miner. I've got deep roots, just like most of you guys back here and ladies in this part **of** the country. I've got a big stake in it.

One thing that sort of appalled me a little bit when I came in here this afternoon was to see a dozen state police standing outside. Why? Was this supposed to be a rally event or something? Did I miss something? Well, but, anyway, coming on inside this wonderful structure they would have here, you know, we was **told** to **go** over and sign up, and so I did that. Then said go over and look at this big volumes of these EIS statements. I guess most **of** you seen that when you walked in. E-I-S, what does that stand for? Well, that **is** an Environmental Impact Statement. Environmental. Now, guys, is environment the only thing impacted here. It's taken five years and countless amounts of time and money and number of people, that has produced this wonderful document that we all saw coming in. Five years. Untelling how much money. Where -- it's a one-sided issue right now, the way I see it, and I think the way a lot of these people out here see it. Where is the other side of the flipped coin. Here, we're setting here begging and pleading with you guys to hold back and reconsider, think about what you're doing. You're impacting this entire community. All these different

counties are, for example, Martin County, 66 percent of the employment in Martin County is coal, direct coal. The same thing in Knott County, 75.7 percent. Now, tell me that humans should have enough respect to have at least a pamphlet this big on the impact statement done on the human aspect of it, instead of three volumes this thick of creatures that we can't even pronounce the name of, the little bugs you have to look at in a microscope. What's the most important thing going on here, guys? It's the human factor. Where's that information? Are we making too abrupt of a decision. Yeah, we've got these wonderful documents now that covers H-Y-Z on all these little organisms, but where's it at on the most important aspect, guys? There's got to be a balance. It can't be one-sided. You're not going to make good decisions by just looking at things through the little microscope. You've got to open your vision, look at everything going on here today and throughout these other public forums that you're having and consider that, please, the important issues, deep-rooted issues here. Thank you.

Mr. Crocker: After **Mr.** Wilder, our next speaker will be Robbie Pentecost.

DAVID WILDER: Thank you. My name is David Wilder and I'm a third generation coal miner. I have two

sons that are coal miners, and I'm proud to be a coal miner. That's a very honorable profession. You know, I look around and I see a lot of people here today that are, you know, concerned with hollow fills. You know, that's the major issue that we're dealing with, and I'll tell you right now if you do away with hollow fills, you'll do away with coal mining. That's how simple it is, you know. Don't park your car until you have another means of transportation. If you do, you're going to be riding a horse. If you do away with hollow fills, we'll all be riding a horse, what's left in Eastern Kentucky. You know, that's the way we feel about it.

You know, coal miners are just, for the most part, hardworking, honorable, just passive people that wants to go to work every day, feed their families, and they don't want to protest, they don't want to come and be seen, but I'll tell you right now if you do away with hollow fills, you won't be able to get all the coal miners in Hazard. Hazard won't hold then all. But, for the most part, they just want to work. They don't want to be out here, you know, protesting and things like that. That's not what it's all about.

You really need to consider this, because it's going to affect a lot of people in a lot of ways. Thank

you.

MR. COKER: After Mr. Pentecost, our next speaker will be Everett Kelly.

ROBBIE PENTECOST: I'm Sister Robbie Pentecost. I live in Johnson County, Kentucky, and I'm Director of the Catholic Committee of Appalachia. I want to say I have a lot in common with you in this room. My father was in the coal industry for much of his career. He lived in Virginia and worked around the country, building the power plants that the coal fires now. But my dad would be very devastated to see the impact on the mountains and on the communities because of mountaintop removal. The Catholic Committee of Appalachia stands committed to its resolution that it passed a few years ago against mountaintop removal.

Many poor communities have been destroyed with little or no resources to rebuild, and many of these communities were flooding to this degree has not been seen in the last hundred years, have experienced several floods within the last few months. Mines have been lost, communities demolished, hope destroyed. It's time we hold the industry accountable. It's not you miners, it's the industry. For more than thirty years, the Catholic

Committee of Appalachia, whose members include bishops, clergy, religious sisters and brothers and the laity, have been a voice for the powerless and for the sacredness of the earth. Our membership expands the entire Appalachian Region and even beyond. Many **of** our members live and work in this region. We stand as a church, calling for those who have legislative power to stop a practice that detrimentally impacts the poor and the land at the benefit of those with wealth.

I represent twenty-seven Catholic Dioceses throughout Appalachia. I come with an **MBA** and twenty years **of** economic development experience. Appalachia, whose roots are so rooted in the mining industry, and many of the counties who look toward mining as their source of economic development, still has poverty and the poverty rates are no lower than in other counties in the state or throughout Appalachia that are not coal producing.

Scripture tells us that the earth is the Lord's, and the fullness thereof, and the world and they that dwell therein, which is Psalm 24, and, again, in Genesis we are called **to** be stewards in bright relationship with creation. It is not our land, it is God's land, and we are responsible for all that live within it.

Throughout these years as I've visited many

communities in Appalachia, fewer numbers of miners are employed, and the cost, what is the cost of the flooding, of the sludge pond disasters, of the dynamiting? The cost lies with the Corps. It lies in the communities that are not necessarily landowners. I have experienced dynamiting as I sat on the porch of a friend who was seeking retribution for the damages to his home. The only way he could get retribution was to hire a lawyer, and many in our communities can't do that. I'm very grateful for some lawyers who are working in this industry on behalf of the poor and those not in power.

Cheap electricity, I've heard that spoken about a lot today. It doesn't equal economic development, at least not diverse economic development, which is to the benefit of these communities.

So I would encourage this Committee to really go slow in reduction of any kind of regulation. But not only the regulation, it's the enforcement of the regulation. So often that has been the case, where there may be laws on the books, but they're not enforced, or, as I know in McRoberts, Kentucky, they're enforced through intimidation.

Mountaintop removal coal mining is extremely profitable to the coal companies who practice it. A large

part of its profitability is because of the fewer miners who acquire the usual traditional methods. Mountaintop removal mining, by destroying home places, is also destroying ancestral grounds, sacred ground, where generations after generations have lived, gone to church, married, made and birthed babies, taken family meals, slept: in peace, died and buried. I've walked on the land that has been reclaimed. It doesn't look like the mountains that I love and I've grown to come home for me.

I really call you to look to safety *of all of* life and to look at those who are impacted by it, not only the environment, but the communities and the peoples whose lives are *at* stake.

MR. COKER: After Mr. Kelly, our next speaker will be Robert Zik.

EVERETT KELLY: My name *is* Everett Kelly, and I've worked in the coal industry for more than thirty-seven years, and the coal industry has been good to me and my family. You know, I really, when I got the little card outside, I didn't -- I read part of it and I seen yes and no, I didn't come prepared to speak, but I did come prepared to stand up, you know, for the rights of our people in this area, You know, we need coal, need the jobs. You know, God pui this coal in this earth for a

purpose. He put oil in the ground, he put gas in the ground, and, you know, we are to be good stewards. When I was here as a boy, growing up in the coal camp, and some of you, I look around and some of you folks out there can remember those days. Well, we thought, oh, we've been good stewards, and there still may be some out there who may not, but: I chink as a general rule, most of our people today does a great job.

You know, I'll be some of these folks a speaking out against what we're here for today has not seen the jobs that some of our coal miners do. You know, on weekends, as a family unit, and we do it as family, instead of staying home and watching TV, we'll get out in the 4-wheelers on the mountaintop removals. You know, I've seen five pound small mouth bass come out of some of these ponds that these coal companies has built, and, you know, you drive along now and you see deer. As a boy, you'd nave to go to Western Kentucky to see a deer. You see elk, turkey, and I just think it's great. It's a good place to live. Thank you.

MR. COXER: After Mr. Zik, the next speaker will be John Rausch.

ROBERT ZIK: I'm Bob Zik. I've been in the coal industry about thirty-one years, all in East Kentucky.



I've raised my family here in East Kentucky. What I've seen in the coal industry is regulation after regulation over the thirty-one years, and many interpretations of the regulations. The community has received roads and everything, and Mr. Faulkner mentioned a lot of service ministries that are put on mountaintop sites. Additionally, Mr. Gorman mentioned a lot of heavy industry, or some varying types of industry. There's no place for the heavy industry except on mountaintop removal sites, We don't have it. **You** won't get it, because they can't afford the excavation. You know, Wal-Mart was mentioned, like Fifty Million Dollars. It probably takes about Two to Three Million to build the building. The rest of it goes to excavation and site. You know, more regulation deters industry. And when the media, meetings like this to start cutting out industry hits the newspaper, what industry wants to come to the community. If they Like what they read, like what they see, you have **a** chance of bringing industry in the area. If you don't, then **go** to a more conducive area. It's all in image. You know, the powder and coal industry, that's fine, it's something for another industry in the area, and this is what we have now to carry on through, and, you know, we talked about the, what the coal industry does. Why can't we swim in the Kentucky

River? Straight pipes. You know, and until we get some of these areas cleaned up, you know, that's what's going to improve the image of the community.

MR. COKER: After Mr. Rausch, our next speaker will be Garland Deaton.

JOHN RAUSCH: I'm John Rausch. I'm a Catholic Priest, I represent the Diocese of Lexington, Kentucky. I began my ministry in 1970 in Jackson and Breathitt County, doing economic development. I spent twelve years in Wise County, Virginia in the coal fields working in my parishion for miners. In 1989, I marched with the UMWA when they went on strike against the Pittston Corporation.

I'm hearing chis afternoon competing ethical demands. I'm hearing good jobs on one hand, but I'm also hearing terror of creation on the other. I'm hearing the right to own property on one hand, but I also hearing something about the common good. Now, the strong, the young, the healthy workers, these are folks who can work in the mining industry. The elderly, the broken, the sick, these folks are vulnerable. That represents the rest of the community.

Employment in mining is down, and Kentucky strip mining employment went from 17,281 in 1979 to 4,612 in the year 2000. Corporate America sees workers as an

expensive input to production, to be replaced by technology. The cost of mountaintop removal, the real cost of that, in terms of economics, are all of the new industries not being able to be developed as a result of it. We won't have an herb industry, we won't have cultural tourism, we won't have information technology development, which could lead to sustain a development.

The Catholic Church teaches with every right comes a responsibility. The coal companies have a right to their coal. They also have a responsibility to mine it in a responsible way. The earth is the Lord's and all who dwell in it. God put humanity in the garden to care and cultivate it. What you do to the least, you do to me. I have listened to people. I have seen the response of mountaintop removal. Blasting ruins foundations, it dries **up** wells, it causes and aggravates flooding. I'm against mountaintop removal, because I believe it is a sin against the care of creation. I believe it is a disregard for the common good. I believe it opposes the web of life, but I'd love to see our miners work together to come **up** with a sustainable economy for the future and for our children. Thank you, very much.

MR. COKER: Garland Deaton. Tom Wooton. And after Tom Wooton, there will be David Creech.

TOM WOOTON: Thank you, ladies and gentlemen.

My name is Tom Wooton. I was born and raised and lived here in Perry County all my life. A couple questions for the panel, Have you ever been on a surface mining job? Any of you? One person. But you're going to regulate us. I challenge ycu, I'll spend as much time with you as you want. I'll take you to the whole mountaintop surface jobs, pre-law. I'll take you to the new ones. I've been on those today. I've been on one that was done pre-law, and I was on one that was done post-law. I challenge you, before you regulate you us, here's my cards, give me a call. Look at what you're regulating.

Environmental impact, we can't do any kind of disturbance with that, with 90 percent of the environmental impact, but because of the Legislation and the laws that are in place now, our environmental impact is positive. I really believe that. **As** an industry, as a whole, the environmental impact, done by the coal industry and surface mining, **is** a positive impact. The streams are cleaner now than they've ever been in my life. As a boy, I remember the rivers running black, because there was no Legislation in regard to silt control. It was turned down the river. Folks, it's been a long time since I've seen the rivers black. Catch more fish out of -- you can catch more bass

out of the Kentucky River here in Hazard than they do out of some of the major lakes, quality fish.

Again, some of you would like to have my card, I'll be glad to give them to you. I'd be glad to spend time taking you to those jobs. I challenge you to do that. It's got to the point we can't fill, we can't build in flood zones. Correct? We're not allowed to build structures in flood zones, because of government regulations. Because of government regulations, you cannot fill a flood plane. Now, we can't fill the hollows. Where are we going to live? Thank you.

MR. COKER: David Creech. Our next speaker after Mr. Creech will be Brian Patton.

DAVID CREECH: Thank you all for the opportunity. I had intended not speaking, but **Mr.** Caylor said if you're here, you know, and believe in what you're doing, you should stand up, so I definitely need to stand up.

I'm a third generation coal miner. I worked in the face and currently in preparation and surface mining. Without hollow fills, we will not be able to mine period. And, like Rick said earlier, the human side, you know, we mine very responsible today, as opposed to what happened when you guys put the Act in **place** in '77, but **to** -- in my

opinion, to look at the Regs and re-evaluate the definitions and use some commonsense, tempered commonsense, you know, there's -- the Regs that Hayden was referring to hinged on one word and that word was left up to somebody, two or three different people's opinion. Well, to the commonsense man, a stream ain't where two water driplets go together and go on. A stream is what you fellows was talking about earlier. Without hollow **fills**, we will not be able to produce the coal that we produce today, and there's not enough national gas, there's **not** enough oil, **to** carry us, so, in my opinion, we've got to mine the coal.

Just re-evaluate the existing Regs before you make **any** more, because I've noticed in the fifteen to seventeen years that I've been in mining industry, we'll come out with a Reg, and then there's a policy to interpret that, and then there's another Reg that interprets that policy, and what we end up with is a whole lot of people that our tax dollars has to pay for, no offense, and then that just makes a hardship on everyone, so no real direction.

Now, I like what the one gentleman said earlier, talking about our government **is** fanned out and not trusting and not working together, and I believe there's a whole lot of validity to that. I know in the coal

industry, we got better when we worked together and not just so much competitive nature, one company against the other, but when we work together, like the **PCOA** and what have you, it made us a better industry.

So, thank *you* guys. I appreciate your time.

MR. COKER: After Mr. Patton, our next speaker will be Jimmy Jackson.

BRIAN PATTON: My name is Brian Patton. I'm the area manager of Starfire Mining Company, and I appreciate the opportunity to talk to this group today. I'm a coal miner. I'm a fourth generation coal miner. My family came over from Ireland as coal miners, and coal has paid for my family's existence. **Coal** put me through the University of Kentucky and educated me as a mining engineer and a professional engineer. I've had the opportunity, as I've grown up in this industry, to live a better life, to see a better life, to see a better life for my friends and for my family, and to see a better life for these communities, Pikeville, Prestonsburg, Paintsville, Hazard, and other smaller communities in our area.

**As** area manager of Starfire, I represent approximately 160 employees. As a division of Horizon Natural Resources, our company represents almost **Two**

Billion Dollars a year in gross sales. That's Lexmark. That's significant to the economic impact of our state, but one of the things that I want to ask today and that I want to inform this group is the hypocrisy of these people that are sitting here with us to our left. I've been with these people. I've met with them for the last year and a half. This is who stands in our way. The industry has tried to be very innovative in how we can address these issues. We're not opposed to the issues of mitigation. We're not opposed to issues -- we're not opposed to paying for what is call damage, We're not opposed to that. But the people that have stood in our way as we have went to them has been these group. We proposed to clean up the streams, their sewer line projects. I was told by one of the regional managers of the Corp of Engineers, "We're not interested in sewer projects. We're not interested in water problems. Those would encourage development in Eastern Kentucky and that's not what we want." Who's "we"? I thought I was we. But what I find out is they're we. They're the ones deciding it.

The other problem that I'm running into with this group is when they need something and they need money because of budget shortfalls, who do they come to. They don't come to KFTC. Because we don't regulate marijuana



growth. They come to us, They come to us for money, These people come to us to help build roads. They tell us to go help certain landowners. They come to us behind the scenes and tell us, "We need you to help with projects. We need you to fund projects." And we do. We have for years. Starfire Mining has worked for many years at the University ~~of~~ Kentucky on tree reforestation projects, groundwater studies, compaction studies, reclamation studies. The first seven elk that were brought to the State of Kentucky were at Starfire Mining. I don't see KFTC bring elk. I don't see them brining solutions. It's very easy to stand up and say, you know the coal industry needs to do this, you know. **As** I've heard, many people that have protested the coal industry today, I've also heard them say, "You know, if the coal industry would get together and figure out how to bring other industries." We're trying, you know. We're the ones that's developed the industrial parks. We're the ones that's trying to come up with the infrastructure projects.

I put in front of this group previously the Troublesome Creek sewer project, forty-seven miles of sewer line, which took approximately fifteen hundred homes off the straight pipes. I said we would be the seed to start it, and as we continued to go forward, we would help fund

it. There's other coal companies in this room that agreed to get on the bandwagon. Nobody is interested. It's not what they want. You go to Lexington, their parent Hamburg Farm Complex. I lived there. I see it every day. I think it's much more disgraceful than what I see at Starfire Mining, and that will never -- that area will never, ever, be green again. Yes, we use the land at Starfire for a period of time. We do cut the trees down, but within a year to two years, we do reclaim it back. We plant trees back, we plant grass, and it's green. Hamburg Farm will never be green again. Fayette Mall will never be green again.

So think about what it is you're asking us to do today. You know, we are the industry in Eastern Kentucky. We know we won't be here forever, and we are trying to figure out a better way for this community to move forward in the next twenty years, the next thirty years, and I challenge the KFTC, put your money where your mouth is. Step up to the plate. Thank you.

MR. COKER: Our next speaker, Jimmy Jackson, and after Jimmy Jackson will be Andy Willis. We'll probably -- I think we're going to be running a little beyond 5:00 o'clock, so I hope you folks will just bear with us. We're going to get everybody in there, ten more

speakers.

**JIMMY JACKSON:** Thank you. I work for the Starfire Mine and represent the UMWA and the Local 5890. I've been a coal miner all my life. I started at eighteen year old. Coal mining sent my two sisters and ocher brother to U.K. It's been good to me. It's been good to all my family. Everybody has addressed about all the issues that could be covered, but the issue I'd like to address, if *you* put all these laws and regulations on the coal mining, what about the gas company. They can go in, push it over the hill, cause slips and slides, nothing is done. There at my house and my father's house, every evening from 6:00 to about 8:00 o'clock, you can't set outside for a gas smell. It's been reported to the EPA. Nothing is done. *So* why punish the **coal** industry when we're not the only ones out there. Thank you.

**MR. COKER:** After Mr. Willis, our next speaker will be Vince Herman.

**ANDY WILLIS:** I'm Andy Willis. I'm from Columbus, Ohio, originally. I'm now from Pike County. I've been there about sixteen years, well, in Appalachia for about sixteen years. Being from Columbus, you might first think, well, he's on the environmentalist agenda

here, because, you know, he's not from Kentucky, and the reason you might think that is because it occurs to me that a lot of the complaints about mountaintop mining come from outside of Appalachia. For instance, up in Lexington, they had a little rally up there, you know, protesting mining, and four people are arrested, and, according to the newspaper, those four people, I believe two of them were from North Carolina, one of them was from Indiana, one was from Tennessee, none from Kentucky. But, being from Ohio, I know a lot of people up there, they don't understand the issues with mountaintop mining, and, you know, at first glance think all's bad with the mountaintop mining, but I was golfing yesterday, as a matter of fact, up at the Twisted Gun Gap Golf Course and the Kingo-Logan, and Premier Energy Mines. That is a golf course, a recreational area, that would not exist if it weren't for mountaintop mining and valley fills. And as I looked over at the mountains, I saw another operation ongoing right now that Premier Energy is -- I mean this is up in Mingo County, West Virginia and this stuff occurs in Kentucky, too, but there's an operation active right now and I believe they're still trying to get everything straightened out to extend their valley fills in order to leave the mountain flat instead of reclaiming it back to AOC. If

they **do** that, the King Coal Highway is going to come through over that mountaintop and save the State of West Virginia and the federal government tens **of** millions **of** dollars, but they're fighting tooth and nail to get this approved. You know, they're fighting the Corp and the EPA in that in trying to get these valley fills. Otherwise, they put the mountain back and the King Coal Highway comes in and then they take the mountain back off, they put the valley fills in, if they let them put the highway in.

The bottom line is what occurred here today is, you know, we can put industry, we can put hospitals, and factories, and golf courses, recreational areas back on these mountaintop areas, but I think the environmental extremists, they don't want golf courses, hospital, industrial parks, in place of mountain tops. They'd rather just have the mountain tops. But on this point, I don't believe you're in the majority. I think the majority of people would rather have these business opportunities and economic development. **So**, you know, I just -- we don't want less regulations. We just don't want you to saddle us with a whole lot more regulations. That's my thought. Thanks.

MR. COKER: Vince Herman. Vince Herman. Leslie Combs will be the next speaker, and after Leslie

Combs, Mike Hansel.

**LESLIE COMBS:** My name is Leslie Combs. I was born and raised in beautiful Hazard and Perry County. Thank you, the mining industry. I've been fortunate for the last twenty-four years to work in the mining industry, and I'm very proud of that. I've worked for four different, responsible, conscientious, coal owners. Twenty years ago, I took my daughter up on a job. She caught her first fish in one of our ponds. Took it home and had it mounted. Got it today. The significance of that is today I could take her up on the same property, the same job, and she could catch fish, but twenty years later, there's more of them and they're bigger. Thank you, mining Industry.

I've lived here, the mining industry has supported my family. It has allowed Hazard and Perry County to grow by leaps and bounds. I worked for City Government before I came to work in the mining industry, and I know how we struggled day in and day out meeting bills, but thanks to the growth of this area, and a lot of that is responsible of the mining industry, both deep mining and surface mining, very responsible mining, this area has grown past any expectation that it ever had, and I think that this area, I think the Commonwealth of Kentucky owes a great deal of gratitude for what the mining

industry has done. Thank you.

MR. COKER: After Mr. Hansel, our next speaker will be Paul Johnson.

MIKE HANSEL: My name is Mike Hansel. I'm from Prestonsburg, Kentucky. I'm proud to be working in the coal industry for the last twenty-five years, twenty of that in environmental compliance. I have -- I didn't come here prepared to speak today, but I did come with a few observations, and one of them was altered as I walked in, I noticed the little podium out front: with the Kentuckians for the Commonwealth and their little slogan was, "Fighting for the people and the land." Well, number one, folks, my daddy raised a big old boy, and I can handle my own fighting. Number **two**, that's my land, not yours, I'll take care **of** it.

I **also** will lay forth a suggestion for the slogan. It should be changed to, "We, the willing, led by the unknowing," instead of "fighting for the people and for the land." I thank you for just an opportunity just to speak my peace for just one second here.

I think about what my grandfather taught me, just like Don Gibson spoke of earlier, I saw the active face of a working coal mine when I was five years, but it wasn't my mom that liked to beat my dad to death, it was my

grandmother beating on my grandfather for taking me in the coal mines. But I also got to see the same thing Don did. I got to see people working in the coal mine with a pick and shovel, with breast augers, proud people from Kentucky. Kentuckians for Kentuckians, that's what we are. That's what the coal mining industry is. If folks have a problem with coal mining, it is because they have a problem, and it is a minority, it is not the majority.

And, as far as valley fills and they're placed in streams, these folks that are working with the stream mitigation will tell you that the first thing they have to do on the stream mitigation, most of the streams are mitigated, is remove the automobiles, the hot water heaters, the washing machines and the pampers out of the trees.

As far as the definition of a stream, I don't think that Webster's, Funk and Wagnons, or the Encyclopedia Britannica has seen fit to alter their definition of what a stream is or to alter their definition of what natural waters is, contrary to the beliefs of some of our governmental agencies. I am pro-coal, I am pro-people, I am pro-Kentucky. We need mountaintop removal, we need valley fills. We don't necessarily need less regulation, but we need to be able to mine coal. We



definitely don't need more regulation, and I will refer to something else my grandfather taught me a long time ago, the definition of government, unless they've changed it, this is what the definition **of** regulation is a mouse built to government's specifications. Thank you,

MR. COKER: After Paul Johnson, our next speaker will be Adam Stacy.

PAUL JOHNSON: My name is Paul Johnson. I've been in and around the coal mining industry for about the last thirty-five years. I'd like to say that the coal industry **is** one of the most overly regulated industries in the United States. I think you could build a nuclear power plant with less regulations than you can getting a permit. I worked with the Division **of** Reclamation for ten years, from 1970 to 1980. You had one agency to deal with to get a permit. Today when they come out, we've got five or **six** different agencies. You satisfy one, you've not satisfied the other one. It's always something.

One **of** the biggest problems I've got is some **of** the terminology that you all use. You've admitted that you've never been on surface jobs hardly. We don't fill valleys. We're not filling the Shenandoah Valley. We're not filling the Red River Valley. Where I come from, it's called the head of a holler. It's back **up** the head **of**

nowhere where there's nothing. And just like the man a while ago, I challenge you to come out, walk up to the head of some of these hollows with me, before the coal mining goes in there. Watch for a few copperheads and rattlesnakes as you go. They's nothing up in there. The water only runs when it rains. We've got the -- I'm presently an employee of Pine Branch Coal. We've got areas down there when I was a boy growing up, you'd gone to sane minnows and they was just potholes **of** water up the creek. It didn't flow during the summertime. Now it flows year round. If the Department of Fish and Wildlife wants to come in to it, they talked about their little snail gardens, we call them jack minnows. We used to sane them up in the creek and we'd throw them up on the bank. The fish won't even bite them.

Everything that's being done now is being done for the good. You've heard people talk about all the different industries, everything that has been brought in to this area, and it's because of mountaintop removal, and it's because of the head of the hollow fills, not valleys. We're not peddling down the middle of the North Fork River, and I think that's some of the things that you all need -- yo'all need to come out and look at what's going on now, now what happened twenty-five years ago. Don't take

somebody else's word for what's going on. Take that man up, come out and talk to me, I'll take you up to all of our jobs. You know, we can show you where it's being done right. We can show you that improving the land and it's making something that's worth something, something the landlords can have from now on. We don't need anymore regulations. We've got more than enough right now, more than enough agencies to have to deal with,

MR. COKER: Adam Stacy. Ben Perry. After Mr. Perry, our next speaker will be Meg Moore.

BEN PERRY: Hello. My name is Ben Perry, and I'm one of those dreaded outsiders that you all have been talking about, and coming here speaking against mountaintop removal, I kind of feel like Rick Pitino walking into Rupp Arena, but to answer the gentleman's question about, you know, why people, outsider, I'm from Lexington, I work in Rockcastle County, I'm the director of Organization of Appalachian Science in the Public Interest.

Outsiders have a different perspective, and you may think it's a bad perspective, you may think it's a good perspective, but it's a different perspective. So, in terms of being from, you know, this county and working in the coal industry, I guess it is you just have an outsider, but I'm also a human being and I have eyes and have ears

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and I have feelings, and I have a family, I have a wife, I have kids, and I'm here just to speak on behalf of my perspective.

I certainly had my eyes opened today about some of the things that miners and others have had to say, and I hope that people give me the same respect. Before I came down here, I wrote a few notes, just basically why should people be concerned about intact mountains, and the first thing that came out was basically just beauty, peace, and tranquility. Nobody gets rich **on** beauty, peace, and tranquility is the problem, **so** it's a difficult thing to defend, but I think there's a great deal of value in it, and I think that in generally speaking, the places that get mountaintop removed tonight, experience a degree **of** that that they would otherwise.

Each intact mountain is also a sustainable economy into itself. It's got timber, which is renewable and sustainable. It's got non-timber forest products, medicinal herbs, various other products that have economic as well as cultural value. It provides recreation opportunities that a mountaintop removal site cannot supply. It supplies clean water, and it purifies air to a degree that there is basically nothing that you can build from the human point of view that will do the same job. A

lot of states been done recently, talking about the value of an intact echo system, versus a disturbed echo system, and it pays for itself many, many, many, times over.

In terms of by adversity, what does an intact mountain have. By adversity, we are in the middle right now of a world class irreplaceable gift from our Creator. Of all the people and all the places in all the world, Eastern Kentucky is gifted with a remarkable treasure. I ran into a guy, a professor from Southern Illinois University, he stopped on 1-75 and went down to the Rockcastle River and was turning over rocks looking for crayfish. He was in Heaven. **He** was ecstatic. He found seven species he'd never seen before and he **was** telling me that the Cumberland Plateau was essentially a rain forest when it comes to crayfish, You may not care for crayfish, and I'm not that crazy about them myself, but they're part of the way of life that supports all of us.

With mountaintop removal, it's all going in one full swoop, the whole thing, mountain diversity the timber, the non-timber forest products, certain types of recreation, the water quality to a great degree and the air quality almost completely. **So** why should we care about intact mountains? To me, the number one and most important point that I want to make is just respect for the Creator

and creation. Have we no shame? I was always brought up to believe you don't destroy what you can't replace, and I don't know anybody here, no matter how much money they've got and how much expertise they've got can go replace an intact mountain.

I certainly feel for the miners' position, and I know and I've talked to a lot of them that feel this way, and a lot of them can't speak out, but I've talked to a lot of them and they feel really pressured. They're put in a position where they have to desecrate their homeland or go somewhere and retrain or leave the land, leave the place that they were brought up in. Mountaintop removal has been brought up before. It produces fewer jobs per ton of mined coal than any other method. There are much other better sustainable ways that you could be doing and **will** bring more jobs to a community, and I have every full belief that if miners were in charge, they would do it better than the absentee investors are currently doing. I have no question about it. I mean the people that live in a place and take care of a place, have to raise families in a place, are going to do **a** better job. Most of the people that own these mines, invest in these mines, do not live here.

I'll share a couple of thoughts I had after the very first time I saw a mountaintop removal site. First of

all, I didn't much believe it, I didn't think that strongly about it. I thought it was just kind of an exaggeration by a knee jerk environmentalist, basically, until I saw it. But, however, we have somehow allowed the most beautiful and biologically diverse portion **of** our State to become a world class mining with a degree of arrogance and nearsightedness. One hundred years from now, the children of Appalachia will look at what's left **of** their mountains in amazement that humans were so thoughtless and barbaric only a century before. Just as when I was a boy, we were amazed that only a century before me, people were so thoughtless and barbaric as to deal with slaves. I think you need to -- I think we need to begin to switch their noble energy sources that should have been accomplished in the late 70's and 80's, and we can, do that every minute. The sun provides enough energy to power the entire world for a year.

MR. COKER: After Meg Moore, it's Paul, I think it's Lyon, L-y-o-n.

MEG MOORE: Hi. My name is Meg Moore and I live at Harlan, Kentucky. I'm a member of Kentuckians for the Commonwealth and a former employee and a lot of folks have spoken a lot about Kentuckians for the Commonwealth today, **so** I just wanted to state a few things about

Kentuckians for the Commonwealth before I talk about mountaintop removal.

Kentuckians for the Commonwealth is a citizens organization. It was started in 1981 in Eastern Kentucky. We have thirteen chapters across Kentucky, eight of which are in Eastern Kentucky. Kentuckians for the Commonwealth members are your neighbors. We have members in almost every community in Perry County. We have chapters in Perry County, Knott County, Letcher County and Leslie County, Harlan County. People that are concerned about mountaintop removal are not outsiders. People that are concerned about mountaintop removal are your neighbors, because **it is** your neighbors that are being hurt by mountaintop removal.

I've spent the last four years visiting coal miners who have had problems with mining problems. I visited valley fills, flooded silt ponds, seen sludge, blasting damage, been on mining inspections, talked with mining inspectors, research permits, but most importantly, I've talked with hundreds of people, private landowners, whose property, their private property, has been destroyed by irresponsible mining practices, including mountaintop removal.. Many of those irresponsible mining practices, I'd like to add, were done by companies who have declared bankruptcy to avoid litigation and get out of contracts,



companies like Horizon.

I have serious problems with the recommendations in the Environmental Impact Statement, would seem to just streamline the error filled permitting process. Coal can be mined without heavy blasting and hollow fills. Yes, it will cost more to the industry, but it will cost less to our communities, our environment, and our future. I feel like the option of abandoning hollow fills was not seriously considered, despite the evidence in the Environmental Impact Statement of hollow fills impact to our environment.

I'm going to talk about three specific ways that I think mountaintop removal **is** destroying Eastern Kentucky. First of all, mountaintop removal is dependant on illegal blasting regulations. The blasting limits that are considered legal are a joke. They were developed in the 1980's based on homes without windows, different geology and earlier blasting technology. I've watched individual homes be cracked, individual landowners, their homes be destroyed by blasting that is considered legal. Almost every blasting complaint that a person files in Kentucky, they get the same letter that says that blasting is within legal limits. Blasting cannot destroy homes and be legal. SMACRA says that coal companies have the

responsibility to prevent damage to persons and property. Our blasting limits do not do that, and mountaintop removal is dependent on these illegal blasting regulations.

With mountaintop removals, the other big problem is valley fills. Valley fills are killing our streams, the buried pipes and then what comes ~~off~~ of those valley fills. The scientific evidence is clear that headwaters are critical to a stream's health. I have watched water come off of valley fill in Harlan County that looks like wet cement. Ponds at the bottom of hollow fills are consistently poorly maintained and too small. Valley fills cause flooding to homes below them. Valley fills should be of durable material. They're not.

Mountaintop removal. is not good for our economy. Coal mining has built much of Eastern Kentucky for the last hundred years, but now our communities are fading. The mechanization ~~of~~ coal mining means less and less people now work in the coal industry than ever have before. Right in Harlan County, we just have to close -- we just voted to close three of our high schools and merge them into a new school, because of declining population. That is a community, as many people have said, that is dependent on coal mining jobs, and less and less people are working in that industry every year, and that's not because

of environmental regulations, that's because of mechanization and that will continue.

Eastern Kentucky needs jobs and a future not based on coal, because the jobs and coal are going away because of mechanization. Everyone knows that. That's why we had the coal severance tax, but mountaintop removal kills that future, because no matter what the propaganda, tourists are not going to come and look at these devastated mountains and fields and streams. And new and returning residents are not going to come buy houses next to blasting and without good well water.

Mountaintop removal is not good for our future. It's irresponsible, shortsighted, and it does no good for Eastern Kentucky. Thank you.

Mr. Crocker: Paul Lycin.

PAUL LYON: My name is Paul Lyon, and I'm president and owner of Mineral Lands, Incorporated, corporate office in Salyersville, Kentucky. We have several labs, all running down the Appalachian corridor system. Our primary business is coal, water, and soil sampling and analyzation. Without the coal industry, mineral labs would not be here. In Salyersville, we have four major employers, the largest one being state and federal government, the second, although not by population,

is attorneys, the third being Continental Conveyor, 250 plus. Why are they in Salyersville? The coal mining industry. The fourth largest is Mineral Labs. We employ somewhere around 135 people. Without those people, would be -- without Continental Conveyor and Mineral Labs, which are industrial employees, it would make a substantial dent in our county's presence or existence.

I just recently employed -- we've been told some devastating -- have been given some devastating information about mountaintop removal. Let me give **you** a little note here. I employed a young man from Pikeville College, a chemist, which most likely would have had to go out of the area if it had not been for our business. He wanted to practice in **his** profession. He earned enough spending money to go to Pikeville College from raising cattle and farming hay. Where did he do this? He did this on abandoned mines, on hollow fills, on mountaintop removals.

Beauty is in the eye of the beholder. Some of you all have said that mountaintop removal was totally devastating and ugly. To me, mountaintop removal, where you have the grasslands and isolated ponds, is one of the most beautiful pictures I've ever seen.

During the 90's, I had the fortune to be

appointed Fish and Wildlife Commissioner of the Seventh District, which Perry County is within that District. During those four years, I was able to stock deer and turkey primarily in that District. The specialists of the Fish and Wildlife Department had pinpointed the areas that these deer and turkeys were to be released for restoration, restocking. Everyplace that they designated was either on a mountaintop removal, abandoned strip mine, or a hollow fill. That should tell you something, people. It should tell you something. Two ~~of~~ the largest areas for wildlife development in the State of Kentucky came from strip mining, Peabody in Western Kentucky, Starfire in Eastern Kentucky.

The mining industry, Mineral Labs supports the mining industry one hundred percent and hopefully in the future we'd like to see it triple. Thank you.

MR. COKER: That's our last speaker for the afternoon session. As you all probably already know, there will be an evening session. We'll all return. We'll get a bite to eat and I'm sure you need to, too. I think they do plan to lock the facility up until we open it back up, so probably you all need to head on out. Thank you.

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MR. COKER: Okay, folks, let's try to find a

seat. We need to get this hearing started, the evening session of this hearing started. I'd like to welcome you to the public hearing on the Draft Mountaintop Mining Programmatic Environmental Impact Statement. We'll begin with some general information about the facilities here. This **is** a non-smoking facility. We ask that you go outside our building to smoke. Please note the location of the emergency exits. **In** the event of an emergency, proceed in an orderly fashion, as quickly as possible, to the nearest exit from the building. The restrooms for the facility are located out, you go back out into the lobby, take your left, and it'll be the first door on your left. Approximately every hour or so during the course of the hearing, we'll call for a five minute comfort break. Hopefully, this will provide sufficient opportunity for everyone to take **a** break, so that no one need miss any of what is said here today.

**As** you entered the forum, you had to have noticed the registration table. We hope that everyone registered as you came in, and if by some chance you didn't, we ask that you take a moment to register before you leave. Folks will no doubt be coming and going throughout the hearing, and this is the only way we have to get a reasonably accurate idea of the public participation

at these hearings. And even more importantly, if you came here today with the intent of speaking at the hearing, you must complete a registration card. If you do plan to speak and haven't already registered, please go back and register as a speaker now. If there's anyone who might need assistance in coming up to the podium to speak, please let the folks at the registration desk know, as there is an access ramp to the stage and other forms of assistance can be provided as necessary.

With that said, let's move into the more substantive part of the public hearing. As you may already know, as part of the December 1398 Settlement Agreement, the agencies represented here on the stage today agreed to participate in the preparation of the Programmatic Environmental Impact Statement on the impacts of mountaintop mining and their associated valley fills. The purpose of this Programmatic **EIS**, as specified in the Settlement Agreement, was to consider developing agency policies, guidance, and coordinated agency decision making processes to minimize to the maximum extent practical the adverse environmental effects to waters of the United States and to fish and wildlife resources affected by mountaintop operations, and to the environmental resources that could be effected by the size and location of excess

spoil disposal sites and valley fills.

In the period of time since the Settlement Agreement, the agencies have diligently worked on the **EIS**. The agencies' efforts culminated in the development and release of this draft document for public review on May 29<sup>th</sup>. **The** usual review period for a draft EIS is 45 days, however, recognizing the widespread interest in the document and the need to provide additional time for the public to work their way through the complexities of its content, we have extended the time frame for review and comment. A 90 day public review period and comment -- public review and comment period will end at close of business on August 29<sup>th</sup>, 2003.

This is one of two public hearings planned in association with the development of this document. The purpose of these hearings is to hear your comments on the draft **EIS**. We cannot respond to your comments during the hearings. Your comments will be transcribed and we will respond to them in writing as part of the final **EIS**. We are here today to listen to you, to hear what you have to say relevant to the continued development of the **EIS** document. We recognize that many organizations and individuals wanted to comment, so we have structured these sessions to offer as many as possible the opportunity to do



so. This is a two-part session. The first session ran from 2:00 to 5:00 earlier today, and the second session, of course, which we're at now, runs from 7:00 to 11:00.

So that we may be sure we have provided everyone who may choose to speak, an opportunity to **do** so, we must limit your speaking time to five minutes. some ~~of~~ you may have more comments than can be addressed in five minutes. **If** so, you are encouraged to submit these additional thoughts and comments in writing. You **do** not need to speak here to submit comments. You may submit written comments to the attention of Mr. John Forren, U.S. EFA, 3EA30 1650 Arch Street, Philadelphia, Pennsylvania 19103, through the close of the comment period on August 29<sup>th</sup>, 2003. We also have provided a comment box at the registration table in the foyer. If you choose to, you may place your written comments on the draft EIS in that box and we will see that they are considered, along with **all** other written and oral comments.

As we continue with today's public hearing, we would like to take a few moments to make you aware of some of the ground rules for this hearing and describe how we intend to proceed. As indicated on the sign at the entrance into the building, for safety reasons and so that all participants can see the public hearing, we've asked

that everyone please refrain from bringing in or displaying signs, banners, or posters in the building. We ask that you please be courteous with others who are speaking and refrain from expressing support or opposition to comments the speaker is making.

As we proceed through the hearing, if you have need, for whatever reason, to reference the draft EIS or appendices, copies of these documents are available for reference in the foyer entranceway. Also, if you did not already receive a **CD** version of the draft EIS document, a limited number of **CD's** of the draft document are available at the reference table on a first come, first serve, basis. If we run out and *you* would like to receive a **CD** copy, you may **also** leave your name and address with the person at the reference desk and a **CD** of the draft document **will** be mailed to you.

As previously stated, in order to speak at this hearing, you must register at the registration desk in the foyer or entranceway, indicating your desire to speak. If you didn't come here intending to speak, but change your mind during the course of the hearing, you, too, must register at the registration desk. Our planned five minute comfort breaks approximately every hour should provide the opportunity for you to register to speak, if you haven't

already done so. You may not register to speak and then give any portion **of** your speaking time to anyone else. If you speak and do not take the full five minutes allotted, we will proceed to the next speaker on the list. No one person may speak more than once. We'll be calling out the names of those people who signed up to speak in the order in which we receive them. I will announce each person, as well as the next name. In order to keep things moving as efficiently as possible, as the speaker is coming up **to** the podium from this side to speak, the next person to speak, is asked to move toward the podium, come down these lower rows, please, and be ready to come forward.

Again, you must limit your comments to no more than five minutes. At the four minute mark, we will hold up a card indicating that you have one minute remaining, so that you can begin winding up your comments. In fairness to everyone who wishes to speak, when we hold up the card indicating that **your** time has expired, please end your comments. If you have more comments **or** just want to submit written comments, you may place them at the box at the registration table that was provided for receiving written comments, or mail them to the previously identified EPA Philadelphia address.

Again, all comments will be transcribed. We

ask those that are speaking to please speak clearly, loudly enough to be heard, and to be mindful of the fact that the transcriber is trying to catch everything you are saying, If the transcriber is having difficulty hearing or understanding what you're saying, they may stop you and ask you to speak up and/or to repeat what you have said. We ask that you begin speaking by clearly stating your first and last names and indicating the community and the state you are from. When transcribed, the oral comments and written comments will **be** incorporated into a comment summary document and will be part of the final EIS document. All comments will be considered in the development of a final EIS document. Copies of the comments summary document will be available upon request in association with the publication of the final **EIS**.

The first speaker is ~~it~~ looks like Betty M. Hagan, and the second speaker **will** be Ruth Colvin. While the first two speakers are making their way toward the podium, I'll ask each of the agency representatives here to introduce themselves, and I'll begin.

My name is Jeff Coker and I'm with the Office of Surface Mining.

Mitch Snow, U.S. Fish and Wildlife Service.

Russ Hunter with the West Virginia Department

of Environmental Protection.

I'm John Forren with EPA.

Katherine Trott with the U.S. Corps of Engineers.

MR. COKER: Ms. Hagen, go ahead.

BETTY M. HAGEN: Thank you, I want to express my outrage and disappointment in the Draft Environmental Impact Statement on mountaintop removal and valley fills. This document is a sham and a shame. It ignores the government's own sights and economic studies. Instead of finding ways to stop the destruction, the EIS recommends streamlining the permit process to make it easier for coal companies to level our mountains, bury our streams, and wreck our homeland. And I oppose all three alternative outlines in the draft of the **EIS**. None of these options will protect our water or shape a better future for Kentucky. Instead of these weak alternatives, the federal government should ban the use of mountaintop removal and valley fills. It's time to fully enforce the existing law designed to protect water and the environment.

Thousands of people suffer damage to their homes, water wells and quality of life from the extremely high amounts of explosives used to level these ancient mountains. Negative impacts of mountaintop removal and

valley fills are unacceptable and immoral. I oppose any change that would weaken the existing laws and regulations that protect the clean water. **Do** not eliminate the stream buffer zone rule, a regulation that prohibits mining within 100 feet of streams. This rule should be strictly enforced for valley fills and in all other cases.

Likewise, don't make it easier for coal companies to seek and obtain permits for valley fills. These proposals are dangerous gifts to the coal industry, and they should be rejected. Now, the public comment period will last until August the 29<sup>th</sup> of this year. It's critical that Kentuckians speak new to demonstrate their opposition to mountaintop removal mining and valley fills and their determination to build a better future for the state and the region.

**MR. COKER:** Our next speaker, as Ms. Colvin moves up, our next speaker after her will be Patty Wallace.

**RUTH COLVIN:** First, I'd like to say that Kentuckians for the Commonwealth are not against mining, they're just against some **of** the ways it's mined. And, you know, I have people that work in the mining business myself. I live in Eastern Kentucky, and in this region we experience the negative impacts of mining every day. Many

of us have water wells that have run dry, turned orange or black, due to mining. More than 1200 miles of our headwater streams have been buried or destroyed by valley fills. Almost seventy percent of **our** forests have been or soon will be leveled by mountaintop removal. Flooding in our communities is increasingly common and severe. We fear the day when the sludge ponds above our homes break, as they did in Martin County in 2000, burying us at the bottom of hundreds **of** millions of gallons of toxic sludge. Our quality of life has been shattered by excessive blasting that shakes our homes, cracks our foundation, and wrecks our peace.

Some call this area a national sacrifice zone. Living here is more like a war zone. It doesn't have to be this way. There are laws on the books to protect clean water, public safety, and the environment. It's perfectly clear that mountaintop removal and valley fills are a violation of the Federal Clean Water Act and the Surface Mining Control Reclamation Act. These practices should be banned. The coal industry must not be allowed to destroy our homeland, and I know firsthand the terrible impacts of mountaintop removal and valley fills. I also believe that we have **a** better future for Eastern Kentucky. We can have clean streams and healthy streams and restore our quality

of life. We can create new jobs for people that don't wreck the environment, and we have to start down a different road now, take a stand and enforce the law. Strip mountaintop removal and valley fields, stop the coal industry from destroying everything that we value most, start making choices that will benefit our children and yours. Thank you very much.

**MR. COKER:** As Ms. Wallace comes up, our next speaker will be Dan Kash.

**PATTY WALLACE:** I'm Patty Wallace and I've been a member of Kentuckians for the Commonwealth since about two years after it was formed, and we've worked on out of state garbage. We got the broad form deed amendment on the ballot and passed it, and it's a wonderful organization. I'm a past chairperson of it and proud to be a member.

Today, we can murder the land in pursuit of wealth and we can leave the corpse for everyone to see, and nobody calls the cops, I've lived in Harlan, Martin, Letcher, Floyd, Clay and other Eastern Kentucky counties, along with the work that my husband was involved in, and I have seen land gradually disappear and my husband played a part for a while in that, but I can't -- I can't go on watching this happen. After I flew over Martin County, Kentucky, and you can't really get the picture until you



fly over, the pictures cannot do justice, but flying over from Manasses to Hazard, when I crossed the Tug River, I couldn't believe my eyes. I had been up on strip mine sites on the roads to Martin County Coal and I've seen, and when you're there, you just don't get the real picture, but flying over, it was like a bulldozer had gone crazy in all directions and all you could see was dirt. I couldn't believe my eyes, and soon I was at the Jenny Wiley Lake. You just -- it would just make you want to cry to see what's happening. Those people below, they don't even realize, because they're not allowed up there. They can't see what's going on.

Since 1897, 365 Million tons of coal has been moved from Martin County, and what do they have to show for it. They no longer have the mountains to lift their spirits. The roads are bad. They have bad water. They have nothing good to show for it, because the benefits have gone elsewhere, out of state owners.

Mr. Bill Rainey, who is head of the Forestry Department in West Virginia, and he resigned after he went to Southern West Virginia and saw all the timber that had been destroyed, and he said that over the next sixty years, and then for eons on, the forest would have been much more valuable than the coal. It's completely destroyed the land

along with the timber.

Mr. Caylor and others in the coal industry keep mentioning clean coal technology, Now, I've lived in -- I lived on Route 23, the biggest coal haul road in the state, and I know that coal, it's dirty when you dig it and it's dirty when you haul it, and it's dirty when you burn it, and you can't get around it. You can call it clean coal and all this, that, and the other, but it's not going to happen, and you need to be working toward alternative energy sources. I realize, I'm like Ruth, I have family members who are employed in the coal industry, we don't want to stop it completely. We want it done right, we want it done clean. We want our mountains left.

And we **talk** about the tourists, we've got to have tourists in Eastern Kentucky. We're driving up Route 60 toward Hindman, as you get to approach Hindman and Hazard, I mean who wants to drive it and look where the mountains have been removed right down to the highway. We have to stop now while we can the mountaintop removal and pushing it into the valley, because we can live without electricity, but we cannot live without water.

This report, it weakens existing laws and regulations and does not protect water in any way and it is a sham and a shame, and I urge you to follow -- do what the

Clean Water Act recommends and save our land. Thank you.

MR. COKER: As Ms. Kash comes up, our next speaker will be Randall Moon.

DAN KASH: Hello. My name is Danny Kash. I'm from Ashland, Kentucky, but I was born right here in the Appalachian Regional Hospital, so I'm no stranger to this area, and I'm certainly no stranger to the latest form of strip mining, something so horrific it's difficult for me to describe.

Before I get into my critique, I'd like for you to recall a meeting similar to this that took place in Prestonsburg some two years ago. During that meeting, coal victim after coal victim almost begged **you** to give them some relief from this awful process. What's happened, we know tonight that this **will** not be so. After reading excerpts from the statement and most **of** the recommendations, it is clear to me that this is a sellout to the coal industry, a sellout to the Bush Administration and a sellout **to** special interests.

Much of our precious mountains, mountains that are far more valuable than coal, will be torn asunder because of this study, and many of our mountain people will have to live with what amounts to the world's worst neighbors. I condemn you for your hypocrisy and am ashamed

of you.

MR. COKER: As Mr. Moon comes up, our next speaker will be Jessie Collins.

RANDALL MOON: My name is Randy Moon and I live here in Perry County, Kentucky. My mother was born and raised down in Leatherwood, so Perry County means a lot to me. I appreciate the opportunity to speak before you today to express my concerns about the Environmental Impact Statement on mountaintop and valley fills, which has finally been released by the Bush Administration. I'm proud to be an American and to live in a democracy where the people are supposed to come first, and where government serves the people before it serves profits and corporate interests. As an American, I like to think that government agencies will support my right to protect my home and the land that I live on. I'm afraid, however, that in Eastern Kentucky, if my land is in the way of a coal company's greed, I don't stand a chance in hell with protecting my home.

For ten years now, I've seen the horrible destruction caused by mountaintop removal, and it only continues to get worse. I've become too familiar with the flooding that results from soil erosion, the damage to homes that results from blasting, the destruction of our

streams and rivers and forests that always occurs because of the nature of mountaintop removal. Therefore, I am opposed absolutely to any form of mountaintop removal and the creation of valley fills. I am opposed to all of the alternatives described in the Environmental Impact Statement. None of the alternatives listed will protect our homes and our lands from the continuing devastation of the coal industry. None **of** the alternatives do anything to help make a better future for Kentucky. None of the alternatives will resolve the real problems in our region. They'll only make it easier for the coal industry to continue to destroy our land, our water and our people. They'll only make it easier for the coal industry to lie to us that somehow we are better off when you can capitate cur mountains and fill up our streams with waste. Not only will the recommendations make it easier for the coal industry to destroy our land, but they will remove the buffer zone which currently prohibits mining activity within a hundred feet of our streams. The Bush Administration doesn't even want us Americans to be able to protect our streams. All they care about is maximizing profits. I think that's pretty obvious. But I will continue to insist that as an American citizen, my property, my home, my land, as well as the homes and land

of my neighbors are more important than the profits ~~of~~ a road, a coal industry, that every day becomes more arrogant and more flagrant in its abuse of the law and the government agencies.

I urge the EPA and the Office of Surface Mining and the Army Corps of Engineers to enforce the laws that exist to protect American citizens and our land. Thank you.

MR. COKER: As Ms. Collins comes up, our next speaker will. be Maynard Tetreault.

JESSIE COLLINS: My name **is** Jessie Collins, Jessie Pauline Collins, and I live in Letcher in the Colson area, if you're familiar with that, and while some of my relatives came to Eastern Kentucky **in** the late 1700's, the majority of my relatives were already living here, and there axe many native stories about big parrots that used to live here, and different kinds of animals that we never heard of. My daughter couldn't believe me when I told her those legends until she got on the internet, and sure enough, they were. She found it and then she believed it. She didn't believe they were legends.

But my people also said -- have a legend or story that the mountains are necessary fox the purity of the world, because all of the water runs to the oceans,

but, somehow, it works back up and comes out, the pure water comes out the top of the mountains when it works back up, and then it comes out. That's how water in the earth purifies the water. How will the water ever be purified if there's no mountains left to purify it.

In my area, they ceased strip mining in my neighborhood about ten years ago, but still our water comes out of the tap clear, but it turns red within a few minutes after it sets, and that's ten years after they ceased. Other areas -- well, I know in my area, and I know that back in the spring when there was a flood, there was a slip, because when they reclaimed the lands, they just planted grasses instead of trees and grass doesn't have roots to hold the land, and to hold back mud slides, and so there was a slip, the road was blocked for about six hours before they got it cleaned up. And I realize that people need jobs. My father was a coal miner, as was his father before him, but they were deep miners, and the mines, when they closed and were played out, they covered them up, and there was a mine on my property, on my farm that closed over fifteen years ago and you can't even see where it was, because it's covered up with things. It hasn't destroyed the land that much. But stripping takes the mountains and fills in the valleys with it and makes it all flat. That's

not why we live here. We live here because we like the mountains, we love the mountains, and I just ask that you don't weaken the laws anymore that would destroy all mountains so that my children and my grandchildren would not see the beauty that I've seen, and your grandchildren and great grandchildren. People come to the mountains for vacations. Everybody wants to come home. If it's all one big city and all flat, I think it would be disheartening for people to come and see, and I just ask you that you do what sound practices need to be done to keep our mountains. Thank yo.;

**MR. COKER:** As Mr. Tetreault comes up, our next speaker will be Dave Cooper.

**MAYNARD TETREULT:** I'm Maynard Tetreault from Cumberland in Harlan County, Kentucky. I've been a pastor down there for thirteen years, but before that, I was up here in Perry County, and I wish a lot of folks that I know who have suffered so much from this past blasting and mountaintop removal could talk to you tonight. When I was up here in Perry County, they set off this huge dynamite charge and it was, of all things, on Sunday morning and I guess nobody else was around, and one of my neighbors, her three and a half thousand dollar deep well turned to mud. She opened up the tap on a Sunday morning to draw water for



coffee and it came out black, and for a long time I had a Mason jar of that water. It was really, really, sad. It took those folks about eight or nine years to get any kind of justice and compensation. There are seven other families who lost their wells, or their cisterns were cracked.

I'll tell you, years ago when there was deep mining, people lived comfortably with the coal industry, but it all the strip mining and this cast blasting and mountaintop removal that's caused a war.

I used to teach science and every single tree that's in our forest will transpire about a hundred and fifty to two hundred gallons of water a day back into the air, and then it creates oxygen. That's one of our contributions to the rest of the country is oxygen. Well, if you tear those forests down, and you level it off, and even if you save whatever topsoil is there, and there's not a whole lot on these mountains, and if you save that topsoil, all you can do is grow grass, That's why I used to see in the legal section every permit for a strip site would always say we're going to reforce at the end of this. Six months later, you check that same permit and they've got a waiver to make it into pastureland, grass. That's all that will grow is grass.

**Now**, let me tell you, in the mountains here we can get a rainfall that's four to five inches in one day. Now, the forests can barely handle that, even though they sucked all that water out of the soil. So it's like a sponge. But grass isn't going to do it. It's not going to do it. **Look** at the science that's in your own study, and please **follow** science, follow the science that's in there. Don't come up with these recommendations that are contrary to your science. We're going to be in big trouble if you just strip all these mountains, take all this timber, and, then, where are we going to get the topsoil. It takes a hundred and twenty years to form one inch of topsoil here in the Appalachians, a hundred and twenty years to form one inch. You have to have six inches of topsoil to make a jack pond, some scrub trees, you know, pioneer trees, scrub. **You** can never replace these forests in thousands of years. What are you doing? What are we doing? Why do we allow that?

My family have been farmers up in Northern Michigan since 1861, and are still farming. You go up into the Upper Peninsula of Michigan and that's where mining started. 1848, that's where the serious deep mining started in this country, one year before the California gold rush, and you can go up there today and there's a big

sign on top of Rock Mountain and it says, "Here is our treasure." We save. Their conservation effort was difficult, but they did it, and they have conserved a virgin forest and mountains and fisheries and clean streams. People think the auto industry is the biggest industry in Michigan. It ain't. The biggest industry in Michigan is tourism and recreational. And, as a preacher, I'll tell you those are spiritual needs that everybody has. And I love Kentucky. I chose to come down here. I love Kentucky, but as citizens of Kentucky, we have to cry out and beg for the laws of this country to at least help us, and shame on anybody who is a part of violating these laws.

The Strip Mine Act in 1977 says that the contour of the mountain has to be restored accordingly, except for development. Now, an exception is not the rule, right. But they have made the exception into the rule and the rule is now the exception and there's now a lot of hypocrisy about what they consider as development. Grass is not development. Thank you.

MR. COKER: Okay, we've asked you all to be courteous of each other and we'd appreciate it if you'd do that, and we're keeping the time up here. We'll do that. We don't need anybody helping us with that, so please just

cooperate and give everybody a chance to have their say. Mr. Cooper is going to be the next speaker and after that Joyce Wise.

**DAVE COOPER:** I'm Dave Cooper. I'm a member of Kentuckians for the Commonwealth and also the Sierra Club. I'm here tonight because I oppose mountaintop removal. I spent the last year studying mountaintop removal, as an employee of the Ohio Valley Environmental Coalition in Huntington, West Virginia. I spent the last three weeks traveling all over the coal fields of Southern West Virginia taking pictures of mountaintop removal and valley fills, talking to homeowners about how it affects them.

You know, it takes a really uncommon love of deaiai to look at these mines and these reclaimed mine sites and not see we're destroying our back yard. We're destroying our communities. We're destroying our heritage and we're destroying our future economy of Appalachia, We have, right here in Appalachia, abundance of quality hardwood timber and fresh water. Both of these commodities are going to be hugely important to future generations. Three hundred thousand acres of the most biologically diverse and productive, temperate, hardwood forest in the world have been destroyed or will be destroyed, turned into a moonscape by mountaintop removal. That's jobs gone

forever. Endurment Water Company, **RWE**, is buying up water companies all over America. Why? They're not stupid. They know that fresh water is going to be to future generations what oil is to this generation. It's going to be hugely profitable. That's why they're buying the water company in Lexington and West Virginia and Illinois and everywhere else, because they're going to make money from it, jobs, and profits.

We 'nave here in Appalachia a hugely important resource for our future economy and chat's fresh water and timber. We can make lots of money and have lots of jobs from it, folks, or we can destroy it forever and bury it underneath valley fills and mountaintop removal, and then we'll be right where we are today.

You know, I live in Lexington now. Lexington is busting at the seams, They can't build houses fast enough for people to move to Lexington. Why are people moving **to** Lexington? Because it's beautiful. They've protected the horse farms around Lexington. People want **to** live where it's beautiful, where the air is clean, where it's pretty to look at.

I'll tell you another city that's busting at the seams, one of the most desirable cities in America, Ashville, North Carolina. Today the housing prices are

going through the roof there. They can't build houses fast enough. Why? Because they have beautiful mountains. That's how you build your economy, by protecting you beauty and your natural resources. If you destroy it, you won't want to live there. That's why I don't live in New Jersey anymore. People don't want to live in a wasteland. They want to live somewhere it's beautiful. If you want jobs, you want a good economy, protect what you've got, don't destroy it.

You know, future generations, our children, their children, are going to think that we were insane for what we've allowed to happen to the mountains of Appalachia. A million years from now, or a thousand years from now, the mountains around here are still going to show the scars of what we've allowed to happen right here in our lifetime. This EIS, 724 documents, 724 miles of streams have been buried by valley fills between 1985 and 2001. 1200 miles of streams have already been affected by valley fills. The aquatic life downstream of valley fills, being harmed or killed. Without additional restrictions, a total of 2200 square miles, square miles, of Appalachian forests will be eliminated by large scale mine operations. Folks, that's jobs, that's our economy. What are we doing here?

You know, the recommendations, after clearly listening to all these problems, what do they do? They go ahead and streamline the permitting process, making it even easier to destroy even more. You know, none of these are acceptable, these alternatives that are offered in this EIS are acceptable to me. Thank you.

MR. COKER: As Ms. Wise comes up, the next speaker will be Kaseana Jones.

JOYCE WISE: I'm Joyce Wise. I Live in Morehead, Kentucky, Rowan County, and I'm a member of Kentuckians for the Commonwealth, I drove here today for two hours, because it's unacceptable to me what this report says. The alternatives are not good enough. They're totally unacceptable. I oppose this report, and the reasons are, yes, we're proud of our mountains, but where have they gone.

You know, I'm not an enemy of the coal, but I believe that we can't afford the Luxury of standing by one second longer and allow other people to rip us off and strip us down to we have nothing, not even a taste of clean water. And I saw a little boy out front. He was so cute. He had a miner's hat on just like his daddy or his grandfather, which. And I thought he's probably got generations before him that were coal miners, but I bet you

anything they weren't generations before him that were strip miners. And it's important that we think about these little people, our children, our grandchildren.

We can't think that we can continue to strip our mountains and land when we probably only have twenty to thirty years left of mountains. We want to know why our air is so cloudy and murky and you can't see the clear blue sky, or we don't have those beautiful trees to filter the pollution and to restore the water.

Somebody said something to me when I was coming into the auditorium. They said, you know, it's a sad thing that it had to come to this, meaning a forum, a hearing. Yes, it is. And I take responsibility for some of that, because I had my head in the sand Sack when they were making these strip mining rules, but I don't have my head in the sand, because I remember what happens to communities that are victims of strip mining and have sludge ponds and valley fills, and I have not forgotten what happened in 1972 at Buffalo Creek, West Virginia, and we are on the verge of that same kind of disaster, where it wipes out hundreds of people and they don't have a heritage left or a clean drop of water.

So I want you to please consider why I oppose this and see that it's unacceptable. I mean, you know, if



the rich can get a bottle of water from Europe or some other place, that's fine, but I can't, and I want clean water here in Kentucky, because we deserve it, and there are alternatives to coal. Thank you.

**MR. COKER:** As Ms. Jones works her way to the stage, our next speaker will be Teri Blanton.

**KASEANA JONES:** Hi. My name is Maseana Jones. I'm twelve years old and I live with my Aunt Texi, who's here right now. I'm from Harlan, Kentucky, and I don't know much about this **EIS** stuff or whatever, but I do know that I oppose mountaintop removal, and that this **EIS** is a big lie and it's stupid, and I think that it is because they cut off the mountains and they throw them into the valley. They cover up our water and the water gets dirty and we drink it and we get sick and all that happens for a dumb piece of coal, you know. And, coal mines, I think that they -- coal, do the coal thing for their families, to support their families, but, you know, there's other jobs, there's other options in this.

And, also, I'm worried about my future, because, you know, I'm not old, and no offense. Some of you will be dying before I will, probably. But if it's God's will, I'll be going on and I'll be left with your all's mess, and I don't know what to do with it, you know.

I mean I'm not going to be the president or anything, you know, but -- and I just want to stop this now. Thank you.

MR. COICER: As Ms. Blanton comes up, our next speaker will be Lyle Snider.

TERI BLANTON: Maybe if she keeps going, she will be president. Hello, my name is Teri Blanton and I'm the chairperson of a grassroots organization called Kentuckians for the Commonwealth. Thank you for the opportunity to comment on the Draft Environmental Impact Statement on mountaintop removal and valley fills.

The people living here in the mountains, we don't need a five thousand page study to tell us that mountaintop removal is a terrible problem, destructive, and wrong. We live with that reality every day. We live with the damage caused **by** excessive blasting. **To** level these ancient mountains, coal companies use explosives that are hundreds of times more powerful than the ones used the Oklahoma City blastings, bombings. These blasts crack our foundations and ruin our drinking wells and shatter our peace of mind. Mountaintop removal is also responsible for more frequent and more severe flooding. It has gotten **to** the point where nearly every rainstorm causes the same damage as the so-called fifty year flood.

Mountaintop removal and valley fills have

buried or destroyed more than 1200 miles of headwater streams. These streams are important for the health of the aquatic echo system. They are also the original source of drinking water for the vast majority of Kentuckians who get their water from the Kentucky, Big Sandy and Cumberland Rivers. Mountaintop removal and valley fills have demolished nearly seventy percent of our Appalachian forests. These forests have gone forever. Nothing of value will grow on the poison type soils that are left behind.

The studies in the EIS report are what we have known all along. Mountaintop removal and valley fills cause widespread and irreversible damage to the environment and human communities of the mountains. These practices are illegal, immoral, and they should be banned. Yet, the EIS fails to recommend any proposals that will make a meaningful difference. In fact, the recommendations contained in this report are a sham and a shame. None of the options presented will make a better future for Kentucky or the region. They do nothing to address the real problems caused by mountaintop removal and valley fills. Rather, they will only make it easier for the coal industry to seek and obtain permits to continue with the total destruction of our land, water, and people. This

report is a shameful and dangerous gift from George Bush to the coal industry. It ignores the science and everything is about what mountaintop removal mining is doing to Eastern Kentucky and the Appalachian Region. It ignores the public's demand for clean water, health environment, and safe communities. It is a blueprint for the destruction, not the protection of our homes and environment. The coal industry is crippling Kentucky and the Bush Administration is cheering them on.

I am opposed to any changes that will weaken the laws and regulations that would take clean water. In particular, I oppose the proposal to change the stream buffer zone rule that prohibits mining within one hundred feet of streams. This rule should be strictly enforced for valley fills and in **all** other cases. I am angry about this report, and I'm outraged at the failure of the Bush Administration to take a stand against the total destruction of our homeland. I am sickened by the actions of an outlaw coal industry that cares nothing for the things we value most.

Oddly enough, I also have hope **for** our future. I know that we can choose another path. I am confident that people here in the mountains and everywhere are waking up to the fact that coal is not our savior and coal is not

our future. Today, I set and I listened to the industry talk and one gentleman was talking about Perry County in particular and how he hires so many miners in Perry County, so Perry County has been mining coal for eighty-nine years. A half a Billion tons of coal has been extracted from Perry County. Twenty-nine percent of the people live in poverty in Perry County. Mining employment, coal miners -- mining employment has dropped from 20 percent to less than 10 percent from 1990 to 2000 in one county alone. That's a drop of 10 percent. How our communities do in poverty rates in all of our major coal producing counties are over 20 percent and most of the counties have poverty rates over 30 percent. Coal mining jobs are decreasing rapidly, a half or more in most counties since 1990. The high school graduation rate in the coal mining region peaks at about 60 percent, and some counties have only a 50 percent high school graduation rate. College graduation figures are below 10 percent in almost every Eastern Kentucky coal mining county. So, the big lie is that coal mining is good for the local economy. The more dependent a county is on coal mining, the higher the poverty figures.

In Martin County, for example, mining makes up 30 percent of the jobs, second in percent after Leslie County, and poverty rate is 31 percent, the highest of the

coal mining counties. In Leslie County 36 percent of the jobs are linked to the coal industry and the poverty rate is 33 percent. The Eastern Kentucky counties that are doing the best economically have been able to move away from mining and bring in other kinds of businesses.

A better future beyond coal is possible. Thank you.

MR. COKER: As Mr. Snyder comes up, our next speaker will be Amanda Moore.

LYLE SNIDER: I'm Lyle Snider. I Live here in Hazard. I'm a member of the KFTC. I'm a nurse. I spend a lot of my time documenting the extent to which folks in this region are sick, or sicker than people in other parts of the state and other parts of the country. Some of that is due to the fact that the people are poor. People are desperate here for work, and sometimes it's so desperate, they'll do almost anything. But I think we can do better. We need good water to be healthy. We need a job that's safe and in which we're treated with respect. Most of us in this area don't have that.

The coal industry generally has not promoted that, and we need to work together to create environment, but we don't have to destroy it. They wouldn't be filling the valleys in Louisville and Lexington where the rich

people live. They do that where people are poor and where they're powerless, and they **do** it also in Brazil, where they cut down the forests, the rain forests, and they do it in Africa. We can do better, and I challenge all. **of** us to find a sustainable economy where we can all find good jobs and not destroy our environment.

I'm opposed to any rules and laws that will weaken the regulations that protect clean water. That is really one of the most fundamental things we could do to promote good health. And it's particularly sad to see, on the one hand, Representative Rogers and the PRIDE Program as working so hard to improve the quality **of** water: in these headwaters that support all of the state and many other states on the way to the Mississippi, while, on the other hand, we're destroying aspects of our water quality with valley fill techniques.

Thank you very much, I appreciate the opportunity to speak.

MR. COKER: After Amanda Moore, we'll take a five minute break.

AMANDA MOORE: I just love to be the speaker right before the break, **so** I'll try to be brief. Thank you for giving me the opportunity to comment tonight on the EIS. My name is Amanda Moore, and I'm an attorney with the

Appalachian Citizens Law Center in Prestonsburg, Kentucky, and I just want to let you know, we'll be submitting written comments at a later time.

At our office, we get calls all the time from people in Eastern Kentucky who are harmed by mountaintop removal and other types of coal mining. We get environmental calls, we get property calls. We get calls from miners who are discriminated against at work because they complain about unsafe working practices. We get calls from miners who are now disabled because they have black lung benefits -- or they need to get black lung benefits. And I'm glad we've heard from some people who have been harmed by these ways tonight, in fact, but I want to focus on something different.

I want to focus on how Environmental Impact Statement **is** completely arbitrary and is completely irrational, because as two different groups of **people** worked **on** this, one group looked at the impacts of mountaintop removal mining, and the other looked at the proposed actions, but didn't ask the first group what the impacts actions were. I particularly want to focus on some of the significant issues that were examined in the Environmental Impact Statement and the proposed actions that would address those issues.



First, direct stream **loss**. This study says that streams maybe directly impacted by mountaintop mining principally by constructing valley fills on top **of** streams. During the same period, 724 miles of stream were covered by valley fills. This is approximately three times the length of the Kentucky River. Given this impact, the EIS proposes to exempt valley fills from the stream buffer zone rule, meaning there's no more law saying that you can't fill these streams or mine within a hundred feet of them.

The second significant issue, stream impairment. This study says 1200 miles **of** streams have been impacted by surface mining activities in just the last 10 years. That's almost as long as the entire Ohio River. So, what proposed actions **does** the EIS have? The agencies would continue to evaluate the effects **of** mountaintop mining operations and continue to work to further refine protocols, decisions and requirements. The actions listed in both kind of deal directly stream impairment. That's all we get. Impacted streams as long as the Ohio River and no significant proposed action.

Number three, fill immunization. From the late 1980's to the late 1990's, the average fill increased in size by 72 percent and the average length of stream

impacted per fill increased by 224 percent. In fact, an area the size of Mammoth Cave has been, Mammoth Cave National Park, because when covered by valley fills, in Kentucky alone. The **EIS** proposed action, they always say I'm going to continue the ongoing rule making process to clarify obligations of the operator, and would also consider whether additional future rule makings **is** warranted. This later rule making might increase consistency with the Clean Water Act, Section 404 program. **OSM** may also find to fill immunization, in analyzation of the ongoing rule making. Again, no real action.

Number four, flooding. We all know flooding has increased a lot in the recent years. *You* can talk to anyone in ycur families who live up these hollows. **We** get calls an this all the time. This study ever, says there are many studies within this **EIS** that show that reclaimed valley fills do increase flooding. There's a **USGS** study in there that suggested that mountaintop removal mining is likely to increase flooding from intense summer thunderstorms. That's what we've been seeing. Even the Army Corps of Engineers has a study. The substantial increase in the discharge from valley fills has raised one hundred year flood stage by over two feet. What's the proposed action? Again, nothing much. The **EIS** claims

it's difficult to generalize mining impacts and what not. Due to site conditions, increases in peak runoff may not cause or contribute to flooding, even though studies reveal saying **EIS** say that it does contribute to this.

Number 5, deforestation. This is a really big one. The EPA prepared a cumulative impact study which evaluated the potentially adverse impacts of future mountaintop mining in the study area. They found that fundamental changes to the terrestrial environment may occur from mountiantop removal. Biological integrity of the study area may be jeopardized. **So**, it finally leads to biological collapse. That's a quote. That's what we'll have in the mountains if this keeps going on.

In fact, the average impact of forests lost to mountaintop mining in Eastern Kentucky alone, from the last ten years of surface mining permitted is two hundred fifty thousand acres. If you add past, present, and future forest disturbance, the estimated amount of forest **loss** in Eastern Kentucky, Eastern Kentucky alone, over One Million acres. The Daniel Boone National Forest is only Seven Hundred Thousand acres. Think about that. What's the proposed recommendation from the EIS? OSM would develop guidelines for postmining land use. These guidelines would be compiled in the best measurement practice guidance.

Also, if Legislative authority is established, **OSM** over prior reclamation of trees, Legislation could change **SMACRA** to require this. However, any such legislation might apply for an exception to this requirement, when an applicant demonstrates that using other forestry you would provide greater environmental benefits.

Actions filled with mights, mayes, and ifs, are not actions. The people of Appalachia need to stop -- the people of Appalachia need action, we don't need mights, mayes, and ifs to stop the destruction. I oppose the **EIS**, thanks.

**MR. COKER:** We have Ted Adams and Rocky Gay. Would everybody please go back to your seats, please, so we can pick up on the hearing. Again, I want to ask you folks to please be courteous and respect everybody's right to have an opinion and express that opinion in this forum tonight. The afternoon session went very well in that respect and I hope you all will do the same. Okay, our first speaker is going to be Ted Adams, and then **Rocky** Gay.

**TED ADAMS:** I'm Ted Adams from Letcher County, Kentucky and I'm a coal operator, a small coal operator. Some of these companies talking about how many employees they have. We're eight employees, including the owners, but I have worked in the coal fields for the last twenty-

five years as a reclamation foreman and supervisor for some large coal companies. I wish someone had told me a few years ago that it would have been better to stay off working for somebody else, because I didn't have any idea what the problems would be or the headaches or everything for permitting and all these things until I went into myself. I didn't realize all the taxes you've got to pay, severance tax, excise tax, reclamation tax, and the bookkeeper told me one fact today that I didn't even know about and that's not included on unmined mineral tax, all these other things, and I said why didn't somebody slap me up the side of the head a long time ago and tell me how much was out there.

But I thank the Lord for the opportunity that he's given me to work and give me the ability to go out there every day and do that job and I'd just like to share a little of the things about the -- I've been working with the Corp ~~of~~ Engineers on the mitigation plan, and I really didn't understand it at all the first time I went to meet with them and I said, "With this Judge Hayden ruling," I said, "it wouldn't have anything to do with us." I said, "We didn't plan any mountaintop removals." They said, "No, but you plan hollow fills." Said, "If you're going to put a hollow fill in, you've got to deal with us," and they was

super nice Christian people and I thank the Lord for that, that they helped me through my ignorance.

But there is a lot of things out there that we don't understand as a public. Frankfort tell us under 250 acres, it doesn't come under the Corps of Engineers. That's what they told **us** before. And they assured me that that is not right.

And just to share with you one little thing that I think might need to be brought to your attention, on one **of** the little hollow fills we had, we did conductivity readings and it real read good and it's going to cost **us** two hundred thousand **dollars** for a little place about the length of this -- for a pond, about the length of this building here for a fill. It's not wide, and will hold **very** little, and all we could mine, possibly mine out **of** that would be 25,000 ton of coal. Anybody's figures would tell you that **we** can't mine that. The sad thing about that **is** the man that lived at the mouth **of** that hollow that owns that land there, he lives in a house. We drilled him a well and run water into his house. He talked to the PRIDE Program and they come up here and put him a bathroom in -- I mean they put him a septic tank in, but his home **was** in too bad a shape to put a bathroom in. This man is going to get nothing, because we cannot pay that two hundred

thousand dollars. We're going to have to -- you know, we can't mine this coal. Well, the people that own the minerals, they're paying unmined minerals tax and we can't mine their coal. When you permit their coal, their unmined minerals tax goes up, and I just thought that would be good that they need to think about, and we've been going back and forth to Frankfort and try to revise the permits, put on bench funds, and things so we could mine some of their property. But we run out of time. We've got to have the area reclaimed before that time is allowed.

So, you know, the state and federal programs need to get their things together. But I am so very thankful to the people of the Corps that they've really helped us understand what we need in mitigation.

But I wanted to share just for a second or two about, you know, some of the groups they're talking about what terrible things it's doing to our mountains. Well, I don't see it that way at all. Me and my wife came back from Pikeville Sunday and we come through 23 down there and all the mountains, there was a big hollow fill sitting right out there with beautiful grass and it looked like something you would see in Australia or things where you could -- it was just beautiful. I've lived in the mountains all my life, and I don't like to see just trees.

Maybe if you're not from the mountains, you like to see just trees, but, now -- well, I guess I've said before, we strip mined a place on top of a mountain close to where I live and after the company, major mineral holder got through, why he allowed us to build some cabins back there, and we use those cabins and we go back there and we'll take our youth groups and we'll church groups back there. We have weddings, annual reunions, and people will come in from Frankfort, from Louisville, from Cincinnati and things, and they want to stay in our cabins, because it's beautiful. If you've been back on top of a mountain, you can see out. I went back there this spring and something had happened. I couldn't see the forest for the trees. I always heard that statement, "I can't see the forest for the trees." Well, that was a true statement, because the timber had grew, and where I set on the porch and look out over the mountains, we've got a eyesight, so I had to cut them down, and I just wanted to share with you events on that. Sometimes we don't see the forest for the trees. We've got some people and this mountaintop removal and it's beautiful. Our job is contour strip mining, but right behind us is a rising, and I go up on the mountain and look over my new job. It's absolutely beautiful, a tremendous amount of land that can be used for anything.



And, so, I thank you very much and I'm for us being able to mountaintop removal and strip mining.

MR. COKER: Our next speaker is Rocky Gay. After Mr. Gay gets up here, Kenneth Blair will be ous next speaker after that.

ROCKY GAY: Hello. My name is Rocky Gay, a concerned citizen for the mountaintop removal coal companies, the coal burning power plants and the future of the State of Kentucky. I wa3 raised in the hills of Eastern Kentucky on approximately forty-five hundred acres right in the mountains, and winters are bad sometimes. When it snows, a lot of roads are impassable until the weather breaks, sometimes two days and sometimes it's a week, and most of the time during the snow, the electricity is off for a day or a week at a time, and if not for the precious block of coal to put in the stove, a lot of us would not be here right now, because our mothers and fathers would have froze to death. There's a lot of people in the State of Kentucky that depend on coal, not only to keep them warm in the winter, but cool in the summer.

The Kentuckians for the Commonwealth of Kentucky -- the Kentuckians for the Commonwealth are trying to shut down every coal burning power plant and every mountaintop removal coal company altogether, and without

good reason. The people from the Kentuckians for the Commonwealth are trying to stop the development of, and the future **of** the State of Kentucky is at risk. They say they want to choose a better future for Kentucky, and if our elected officials let them tickle their ears with their false statements, it will not **only** cost the state Billions of dollars, it will put a stop to the development of Kentucky for generations to come. Andre Copious, a co-planner of the Rally **to** End Mountaintop Removal, you said the mining industry is an outlaw industry, out to destroy our nation's waters. Hillary Lambert of Kentucky Waterways Alliance, you stated the coal industry is destroying the streams of water by dumping tons of rock and rubble which pollute the water, eliminates the primary source of nutrients for aquatic life and fish downstream. You stated it destroys forests, kills salamanders, kills turtles. You say mountaintop removal has killed wild flowers and destroys the songbird's habitation. I don't know where you get your information, but it is not true, and it's misleading the people of the State of Kentucky. Reporters, newspapers, senators, congress, to anyone who wants to see the real truth with their own eyes, **so** the people of the State of Kentucky can see what the Kentuckians for the Commonwealth are trying to get away with, please visit some

of the hundreds **of** mountaintop removal sites for yourself. Not only when the job is started, but when it's finished. Andre Copious of the Rally to End Mountaintop Removal and Hillary Lambert of the Kentucky Waterways Alliance, where I live in the mountains of Eastern Kentucky, the land has never been mined, and even after all the rain we've had this summer, in August and September, the creek will be dry and the fish will die, and the salamanders will pack up their bags and head out. Remember, the land has not been mined. Who wants to see it with their own eyes right here in Perry County? Check for yourself people, find the driest, hottest time, go to a mountaintop removal site, go to the creek where the rock that the water came out of is put back in its rock, it's not poison, and the water will be running beautiful. It will not be dried **up**, even in the driest time. Bring a fishing pole **so** the so-called sludge pond the Kentuckiaas for the Commonwealth like to say a lot, it will be full of fish. You might see a real otter. In the spring, you can see geese and duck raising their young, and they're thriving. And you say coal companies are destroying the land.

And the wild flowers that Hillary Lambert are saying are destroyed, will be as pretty as any wild flowers you ever see, and they come up natural. And the songbirds

that Hillary say are destroyed, hear them singing in the middle of the day. See for yourself. There are birds coming in to stay that you have never saw before in the State of Kentucky. See for yourself. Please visit some of the hundreds of sites for yourself across your state. People for the Kentuckians for the Commonwealth say the coal industry destroys the topsoil and nothing won't grow. I urge you, see for yourself. Coal companies have elk, deer, wildlife, more than you can imagine. A mountaintop removal site is their favorite habitation. Please **do** not make a law that would make it harder for a coal company to exist. The future of the State of Kentucky would be in jeopardy.

There is good in mountaintop removal. It not only provides electricity, it will grow bountiful trees, produce clear water, with aquatic life year around. See it for yourself.

MR. COKER: Our next speaker is Kenneth Blair. After Mr. Blair will be Gregory Burnett.

BRUCE BLAIR: My name is Bruce Blair. I'm employed by Pine Branch Coal Sales. I live in Hazard, Kentucky. I was born in Chavies, Kentucky, sixty-four years ago. My family has accumulated land for a number of

years and that land has been mined since the mid-fifties. A lot of the land is reclaimed and it's beautiful. **As** a matter of fact, one portion of our area has a cattle ranch on it, a beef cattle ranch, and it won the Governor's award for reclamation this past year.

Now I hope it's obvious to you I strongly support mountain top removal and I don't feel that there is any need for further reclamation regulations by the state or by the federal agencies. Our current mountain economy **is** dependent upon the coal industry. Mountain top removal is a work in progress. I heard that said earlier today. It creates level land for industrial development and new home sites, In the meantime, it's providing jobs.

Now, in 1990 I requested a permit to build a home in a local subdivision. The Division **of** Water of the State of Kentucky advised me that my home would have to be built above the 1957 flood plain level in order to be allowed a permit. I went ahead and built the home and I want you to know chat the first floor in my home is even with my neighbor's second floor. My house has a garage on one end and has been filled the full level, about ten feet, all the way around on three sides. Now I have lived in that house for twelve years. The water has never come over

the river bank in my neighborhood. But it's obvious to me that that was the proper thing to do because I was being protected.

Now, this area is in desperate need of level land and the whole purpose of the house example is to emphasize that. If you go out there and you try to find any business location or any home location outside the flood -- that is not in the flood plain area, I promise you that the only place that you will possibly find that is on a strip mine reclaimed operation.

As you are well aware, we have a new Wal-Mart and new Lowe's being built out on Route 80 and it's being build only because that land was strip mined, because nobody could possibly afford to move the mountain of earth that was there before it was mined in order to make room for those large businesses.

So I do believe that strip mining not only provides us with an excellent low cost fuel, it provides a worthwhile benefit to the State of Kentucky in all the taxes that it pays. But it also provides a remote area of Kentucky with an opportunity for economic development and home sites for the resident that's out of the flood plain so they don't have to worry about their homes being

flooded. Thank you very much.

MR. COKER: As Mr. Burnett comes up, our next speaker will be Lisa Conley.

GREGORY BURNETT: How you doing? I'm not from Kentucky. I'm actually from a state pretty far away from here. I moved here to attend college about three years ago. I drove here from Richmond today to see what people thought about mountain top removal. Until very recently, probably the last year or two, I didn't know anything about it. I had never even heard of it. Where I'm from, most people don't even know -- they don't even know what it means. I mean you say "mountain top removal" and they will look at you like you're crazy. I learned a lot about mining, not mountain top removal, just mining in general, researching the Martin County Coal slurry spill at E.K.U. I think -- I mean on a national level people don't know about it. They don't know anything -- they don't know the basics of it. Like I said, they don't even know what it means. I think there would be a lot more opposition to it if there was more national awareness of the destructiveness and the breaking of federal and state laws that occur to the government knowledge and support.

So basically, I'm going to make this short, I

challenge you, the government agencies and the entire United States to implement the clean alternatives for fossil fuel consumption, that already exist and that do provide jobs.

The health implications alone are too severe to ignore this problem. I think it's obvious that all your kids will thank you.

MR. COKER: While Miss Conley comes up, the next speaker would be J.W. Bradley.

LISA CONLEY: Hello. My name is Lisa Conley and I am from Wolfe County, Kentucky. I, too, go to Eastern Kentucky University and I came **up** here because I'm interested in the mining industry and have been working with the Martin County Research Project as well. Actually we presented our analysis on the Agency for Toxic Disease and Substance Registries health petition to Martin County, and I'll tell you a little bit about that in a second.

But, tonight I think we shouldn't be so divided. I know this is really cliché, but the environment is everyone's environment. It's cliché, but true, that everything we do the environment does come back to us.

When I worked with the Martin County Coal spill, I learned a few things and one was that the environ-



ment, once it's -- once it's devastated, it's pretty much devastated for your lifetime and probably your children's lifetime. I think that in areas like Eastern Kentucky, and like I said, I'm from Wolfe County, I know how it is in Eastern Kentucky with the economy and everything, it's easy for absentee landowners to exploit your resources and leave. And they leave the area usually devastated and economically more worse off than it was to begin with. When will we learn that money won't matter when our water and our forests and our wildlife fall victim to pollution and neglect?

Over the years I can, I mean just from growing up, I mean I live down in the country and I would see all the wildlife and fish. I would go fishing with my dad and everything. And recently we went to Mammoth Cave and I remember growing up going there and seeing all the wildlife and everything just in the caves and the water. I can notice a difference. There is less wildlife and I don't know if it has anything to do with just mining. I think it has to do a lot with everything we do to the environment. So I support the environment first and foremost.

Like I said, I'm from the most poverty stricken area in Eastern Kentucky. Just in the last year it was

declared the most poverty stricken area. I know how difficult it is to find a good job and just to survive. My dad drove to Salyersville every day like for thirty minutes back and forth every day for almost thirty years. He worked at Continental Conveyor, which made coal mining parts. He was a tool and die maker. And we have no industry. I know how hard it is to find a job in a town and I think that sometimes that can -- when the economy is bad and you have certain things, I mean I know you guys are doing what you have to do to survive and I'm not putting you down. I'm not disagreeing with it. But I think there is a sustainable way. There has to be a balance, because we are destroying our environment. That is just plain and simple. It's very easy to see.

Like Patty said, you can fly over. You can see the devastation of mountain top removal. I don't know what the other fellow was talking about that is so beautiful. If you really want to see beauty that the coal industry leaves behind, go to Martin County where the Tug -- where the Big Sandy meets Wolf Creek and you can scrape up the surface of the soil and you will see all the slurry materials that the -- the government agencies removed and Martin County supposedly removed, it's still there and it's

feeding into their water intake and they are drinking it. And with E.K.U. we did a study and we had an environmental engineer. She studied the water samples, the data provided by the **A.T.S.D.R.** and these people are drinking water that is above safety standards. It is in many different things including arsenic, chromium, barium, lots of different very toxic metals chat stay in your body and will eventually probably kill you.

So I think that it's time chat we, to me, it's a no-brainer. The environment is over immediate profits. You can look through history. A very famous book that we all know says that there is nothing new under the sun. That's the Bible. You know how this will play out. It has played out like this through history. You can scoff at people who have different views than you and maybe boo at them when they leave the stage. But there is no reason why so many people who have such a common interest in the environment and their health, you should be able to -- to strike a balance.

Like -- like the man said before me, you know, I urge you to go out. **Go** check out the coal mining sites and you can see exactly the beauty that the coal industry leaves behind. Thank you.

MR. COKER: As Mr. Bradley comes up, the next speaker will be Kathy Bird.

J.W. BRADLEY: I'm J.W. Bradley of Petros, Tennessee, where Brushy Mountain is. Most of you have heard of Brushy Mountain. I'm a friend of Kentucky people. My ancestors come through Kentucky. Some of them stayed and worked in the deep mines until they retired. **So** I am not only a friend of Kentucky, I'm a friend of the United States.

We are stewards of the land. What we do to the land, one day we will pay for, and some of it more immediate than others. And I don't understand how that strip miners can beautify something that God made. I think that we have a song. If I was a good singer, I'd sing it for you. It's about the nine pound hammer and number nine coal. The strippers are destroying trees. It says that trees may grow again, but a mountain has no seed. You can't grow another mountain. You can't make water.

Anybody ought to know that you can't put spoil in a hollow because that's the beginning **of** a stream that winds up being a river. And, if you do that, it's going -- I'm glad you all have started calling it "valley fill" because that's what it is. When you put it in the head of

the holler, it eventually goes to the valley quicker. As long as water runs downhill, you are going to have this problem.

I'm ashamed of O.S.M. When the strip mine law was signed in 77, they said that they would be no mountain top removal unless there was a better use for the land, And just to make a flat place up there is not a better use for the land.

Strip miners only think of profit. They don't think of the people below them. The overloaded trucks that they send out on the highways are a hazard to the public driving on the roads. Sometimes *you* have to sue the federal government. I'm glad E.P.A. **is** here. One time we had to sue E.P.A.. It turned out to be the biggest environmental lawsuit filed at that time. Howard Baker, our senator, passed a dirty amendment to the Clean Air Act that discriminated against the people that lived in an area where there was two steam plants. We joined with other people and sued E.P.A. and finally won some concessions.

I am opposed to mountain top removal. I am opposed to valley fill. And I want you all to know that you all should take interest in your job and do what you're supposed to, rather than let the strip miners draw up a

plan and you approve it. We know that that very much happens as far as New Mexico. From here to New Mexico I have talked to people about how O.S.M. is enforcing the law and they are not enforcing the law the way that it was written. I thank you.

I've got a minute. In 1958 I wore a hard hat like you all. I worked in the deep mines and strip miners putting their dirty coal in the tipples got **our** mine shut down.

MR. COKER: As Kathy Bird comes up, the next speaker will **be** Charles Blankenship.

KATHY BIRD: My name is Kathy Bird. I'm a member **of** a grass roots organization called Save Our Cumberland Mountains. I live in Elk Valley, which is in Campbell County in Tennessee, just south of the Kentucky border. During the past year my neighbors and I have been concerned about two mountain top mining projects. One of these **is** about a mile from me and the other one less than three-quarters of a mile.

The twenty-one hundred acre Zed Mountain project features cross ridge mining, which is a form of mountain top removal. Work on Zed Mountain began about two weeks ago and we are extremely concerned that the permits

from O.S.M. and the Tennessee Department of Environment and Conservation have opened the door **to** more mountain top mining in Tennessee. That's why some **of** us came all the way up here to Hazard tonight to say what we think.

I personally don't see how the **E.I.S.** is going to help us protect the mountains we live in any more than or any better than what we have now. My main concern is that the problems related to valley fills and the interpretation **of** the hundred foot stream buffer zone are not adequately addressed by any of the alternative actions. The **E.I.S.** appears to substantiate other scientific studies, as well as common sense and local experience, that mountain top mining and valley fills impact headwater streams as well as the downstream conditions.

I thought you all did a pretty good job in Section 3-0 where you summarize eight potential impacts such as loss of upstream energy from upsrrream reaches and changes in chemistry and **flow** and sedimentation downstream. That's why I'm really confused about why we are still talking about messing with the hundred foot stream buffer zone rule or allowing valley fills at all. **As I** read the alternatives proposed in the **E.I.S.**, our only choice regarding valley fills is how much damage to the watershed

we are going to say is okay. If declaring a hundred foot stream buffer zone inapplicable to valley fills is what you mean by rewriting the clarification, then we are headed in the wrong direction. We need to keep that buffer for all streams in every project, period. And, further, if science based methods can't tell us what the size limit of a valley fill should be, then let's not do any more until we figure that out.

We are having some problems with surface mining and mountain top mining in Tennessee. Not far from my home is a stream, that's been damaged by surface mining. The water **i s** red and nothing lives in it, at least that I can see. Some of us feel that the Zed Mountain permits were issued before all of our concerns were adequately addressed.

For example, there is supposedly an **E. I. S.** that was done by O.S.M., but we haven't seen it yet and haven't had an opportunity to comment on it. And also **on** Zed Mountain we can't get the Tennessee Department of Environment and Conservation to tell us how they decided where the waters of the state stop and where they start. Right now they are saying they stop before you get to where the guys are going to mine.



We are also hoping that the T.V.A.'s E.I.S. process for the Coppers Pool Reserve will validate our view that the Brady Mountain Project is really a bad idea and that re-mining of that area will never happen.

The sad truth is current surface mining and water condition laws do not prevent damage to the environment. I am very concerned that alternatives offered in the E.I.S. not only weaken these laws further, but fail to improve enforcement. As I see it, the only thing that is being streamlined here is the destruction **of** the waters and mountains of Tennessee and the other Appalachian states. Thanks,

MR. COKER: As Charles Blankenship comes up, our next speaker, and I'm going to have trouble with the last name, is Doug Dorferd, Dorfield, from looks like Elliott, Elliotton, Kentucky.

CHARLES BLANKENSHIP: Hi. My name **is** Charles Blankenship. I live in a little town called Elk Valley, Tennessee. It's about ten miles south of Jellico, Kentucky. We have a new name for mountain top removal in Tennessee. **It's** called cross ridge mining. In Tennessee they are trying something new. They are calling mountain top removal cross ridge mining. The E.I.S. needs to

address cross ridge mining in the State of Tennessee. This practice does not come under the same level of scrutiny as mountain top removal. The E.I.S. should look at the cross ridge mining and its potential impact on Tennessee. Issues that need to be addressed are slope stability, sediment control, and spoil calculations. Of the four states studied in this E.I.S., Tennessee is the only state with a Federal Surface Mining regulatory program. In Tennessee C.S.M. does all the permitting in the forefront. The E.I.S. should **look** at the experience of people in Tennessee before recommending changes in the amount of authority given to O.S.M. permitting of mountain top mining operations. In this E.I.S. they showed -- they showed you some information about strip mines in Tennessee. Before the E.I.S. does not look at some of the most important information of strip mining in Tennessee, the history of violations that many of these strip mining operations have.

For example, the Skyhorn Big Brush Complex is included in this study, But no mention is made of this company's terrible record of polluting streams. If this E.I.S. will **look** at the violations in Tennessee, it would show that C.S.M. have not been able to prevent coal operators from violating the law. If any of the sugges-

tions of this **E.I.S.** are going to give O.S.M. more power in giving permits, the E.I.S. should look at the record of violations of **all** the mines permitted by Knoxville **O.S.M.** This would show a more complex picture of what is being permitted in Tennessee.

In Tennessee we are having a problem with the public comment process. The public comment period has become a period during which O.S.M. and the mining company work together to adjust mining plans to avoid concerns raised by the public. Knoxville O.S.M. acts like a consultant to the mining companies instead of just making its decisions about the permit application. In the case of Zed Mountain Cross Ridge Mine, many significant changes were made to the permit application after the public comment period had closed. When O.S.M. held an informal conference on the permit application, they were still making changes to the permit. That made it really hard for us to know what to comment on. We wanted O.S.M. to reopen the comment period so that everybody could make comments on the finished application. O.S.M. used the fact that I made a lot of trips to the Knoxville field office to raise concerns and get information as a result for not reopening the comment period. Thank you.

HR. COKER: As Doug comes up, the next speaker will be Sharon Maggard.

DOUG DORFELD: My name is Doug Dorfeld and I'm from Northeastern Kentucky and I'm a member of Kentuckians For The Commonwealth. The three action alternatives in this environmental impact statement are completely inadequate. The purpose of this E.I.S. is to evaluate options from proven agency programs under the Clean Water Act, Surface Mining and Reclamation Act, and the Endangered Species Act that will contribute to reducing the adverse environmental impacts of mountain top removal operations and excess spoil valley fills in Appalachia. Glaringly missing **is** an alternative prohibiting or even restricting the use of mountain top removal mining operations and valley fills in Appalachia. The studies in this **E.I.S.** clearly show that mining operations **of** this scale and nature given the topography, bio-diversity, human population, and rainfall in this region are not appropriate and the damage caused cannot be mitigated.

The Clean Water Act was a promise **to** the American people that our waterways would not **be** sacrificed for short term economic gains. The goal of the Clean Water Act is to protect the physical, biological, and chemical

integrity of our nation's streams. Kentucky regulations on antidegradation **of** our state's surface waters state K.R.S. 224.70 through 100 declares that the policy of the Commonwealth is to conserve its waters for legitimate uses and to safeguard from pollution the uncontaminated waters of the Commonwealth, prevent the creation *of* any new pollution in the waters of the Commonwealth, and to abate any existing pollution. In defiance of the intent of these state and federal laws the three action alternatives in this E.I.S. amount to nothing more than simplification **of** permitting **of** ever more pollution. The three action alternatives are so oblivious to the data in the studies in this **E.I.S.** that they constitute a disservice to the scientists that worked on the studies and to the people **of** the region.

An additional alternative -- an additional alternative that stops mountain top removal and valley fills must be added to this environmental impact study. Thank *you*.

**MR. COKER:** Sharon Maggard, Michael Riley will be the next speaker. While Mr. Riley comes up, Brent Boggs will be after Mr. Riley.

**MICHAEL RILEY:** My name is Michael Riley. I work in the coal fields. I'm from Buckhorn, Kentucky. And

I have heard all these people talk tonight here and I thank God for every one of them and their opinions. But there are a lot of misinformed people here tonight. And most -- it's amazing to me why if somebody wanted to -- if somebody wanted to put their reputation and get up in public and talk, that they wouldn't have the facts. They have got facts on paper. But I can write down a bunch of facts and hand to this man from the E.P.A. and say "this is real" and he may have to believe that. But there are people in the field offices that goes out, there are people from the E.P.A., there are people from all kinds of different organizations that comes and checks our strip jobs. They are put in by the law. They are people there. And why does people say that it's illegal?

I work every day. I have done it for twenty-five years. I thank God for that opportunity. I have fed a family, raised a family, and I hope my family gets to go on, my son, and work in the coal fields.

People -- people can read all the facts they want to read. But I have seen it. The little lady that was talking about the game going down, I guess the people got so hungry down there that they had to kill it and eat it. My father -- my father was one of the best hunters I

ever saw. Everyone said he could kill a squirrel where there wouldn't any squirrels. He never saw a live deer in the woods in his life. Today I hit three in the last -- well, I hit three within a six month period last year trying to get to and from work. We've got so much game now and wildlife and they are flourishing around these strip jobs and turkeys by the tens ~~of~~ thousands and there are fish in ninety percent of these wildlife -- or these ponds that's left on the strip jobs that you can go catch a mess of fish to eat. And I live right below a strip job that was worked out about twenty-five years ago. And when we had the five inches of rain the other day, if it would have been the way it was before the flat land was back there, all that water would have come rushing at once and my house probably wouldn't have been there. But due to the flat land holding the water, filtering the water, and the water can come down through the big rocks they put in there to strain the water, that's what cleanses water is going over rock. I mean I Learned that in the third grade in school.

I'm no scientist. But I know what I see. And if I didn't believe in the work I'm doing, I wouldn't do it. That's the way I am. And my brother in the Lord that

was here a minute ago, I'm the pastor of a small church too, and he -- he said he had studied science. You know, I studied science in school. That was my favorite subject, the only thing that I did any good. But, really, you know something? There's so many fallacies in science and they are proving it wrong every day. And when you can see with your own two eyes, why take somebody else's word and get up and talk about it? I know what I'm doing. And I know what we do at Pine Branch Coal. And if you can go to D and D Ranch and tell me that ain't the prettiest piece of real estate in this country en top of a mountain that was nothing but a bare rock cliff, a few trees were cut, and they got the trees out, they made use of the timber, and I want to tell you that's the prettiest place I know of. If I had a home, I'd like to have it right out there, if I had my choice of places to build, right in the middle of it. It's a beautiful place. And you drive up Highway 28, you see the mountains. You don't see that. You go up there and you've got grassland. You've got I don't know how many head of cattle you have, eight or nine hundred head. Three hundred? I know they're a bunch. Everywhere I look is cows. And that land *is* supporting it.

And one mere thing I'd like to say, we live in



this hills **of** Eastern Kentucky and I feel blessed. **God** bless America and God bless Kentucky. We've got the greatest state in the United States, as far as I'm concerned. From my travels, that's the reason I decided to come back home and settle down here and make it one way or another. And I have been lucky enough to make it in the coal business. I mean it's -- that's my livelihood. I get up and **40** to work every day.

But I thank God that we have people who do watch after our environment too. We have to be careful with that. That's one thing I'm proud of my company because they **do** look out for the environment. I thank you all for listening to me.

**MR. COKER:** Before Mr. Boggs comes up, please, folks, we have asked that you try to limit your responses while the speaker is speaking. We would like to limit your responses all the time. But I understand you have had strong feelings about this. But please try to be courteous and limit your responses while the speaker is speaking. You are just cutting into their time to speak. Mr. Boggs. After Mr. Boggs, it will be Anthony Jones.

**BRENT BOGGS:** Thank you. My name is Brent Boggs. I live in Harlan County, Kentucky. I am a miner.

Something that I think all of us can relate to, there is no one in this room that hasn't benefited in some manner from coal, whether it's coal severance tax money that came back to build road, to build buildings, to fund schools, whatever. That is where the money come from, Other people say there are other industries. Where? Name them. List them. Other sources of energy. The government studies say they are not feasible. Hydroelectric, solar, or wind. They have none done what they said they would do. The most effective source of energy that we have is coal. And if you eliminate mountain top removal, if **you** eliminate coal mining, then what are you willing to give up? It's that simple. What are you willing to give up? Your air conditioners? Your electricity? Your clothing? Medicine? Ask yourself that question. Thank you.

MR. COKER: As Mr. Jones comes up, the next speaker will be Jim Sidwell.

ANTHONY JONES: My name is Anthony Jones and I'm from Hazard, Kentucky. Two months ago I stood behind this podium and did the hardest thing I've ever done. I gave my salutary speech for graduation. Though I never wanted to speak publicly again, I feel compelled to discuss the issue of the executive summary of the E.I.S.

As I have already mentioned, I graduated high school from Hazard High School, which is right over there. Though I feel that I received a top notch education, I worry that the proposed alternative actions will adversely affect schools in Eastern Kentucky. You see, taxpayers within the state primarily funds public education, Therefore, if this action goes through, more people will become unemployed and feel it necessary to seek employment out of the -- out of Eastern Kentucky as a result of the impending information of further regulations. This will put Eastern Kentucky's rural schools in peril. More so, Eastern Kentucky youth will lack the knowledge and skills needed to think of innovative new ways to produce coal alternatives in the future -- in the future, an unfortunate scenario that the -- if the Kentuckians For The Commonwealth prevail.

In conclusion, I find myself more and more grateful every day that I graduated while coal was still a major influence in Eastern Kentucky. And I hope that in twenty years another Hazard High School alum can say the same thing. Thank you.

MR. COKER: Mr. Sidwell will be the last speaker before our -- our next five minute break.

JIM SIDWELL: Good evening. My name is Jim Sidwell. I live in the Airport Gardens community of Perry County, just outside of Hazard. Twenty-eight years ago I moved from a small farming community in Southeastern Kentucky and came to Hazard as a state auditor for the revenue department. And since that time, I have raised a family based mainly upon the income and revenues of the coal companies. And as a concerned citizen, I really don't want to see any more adverse regulations put on the mining industry that's going to affect not only the miners, but their families and all of the indirect companies that depends on coal revenue.

Probably sixty percent of my family, or the graduating class in my high school, left the community because there was no employment. I love my mom and dad and my sisters and myself had to move from home to find employment. In this area the people that are employed by the coal companies, they have jobs here. Their families will stay here. And that's -- that's such a reward for families.

Whenever I moved to this county in 1976, a good friend of mine by the name of John Tate and I decided that it would be nice to take a canoe trip down the North Fork

of the Kentucky River. When we put in behind City Hall and started down the river, we didn't go very far until we had to get out and push the canoe because of low water. When we stepped out, our legs looked like we had stepped in an outhouse. The water was filthy. You could not see any life whatsoever in the stream.

Times have changed and it seems like that the people from -- the people that are representing the anti-coal believe in clean water. And it's just like all of you setting at this podium, you are not drinking water from this area. You are drinking bottled water. We all want clean water.

Probably two years ago I took the same trip down the North Fork of the Kentucky River and took a fishing pole and I caught my limit in small mouth bass. It amazes me that what these folks are talking about is things that happened twenty-five years ago and they have got this mind set that the coal industry is raping and pillaging the mountains and leaving all this pollution, and they are not. I don't know if -- where they go to and what they see. It would be wonderful for them to come and take tours of Pine Branch, Miller Brothers. There are some wonderful sites for them to look at that's not destroyed and not -- it's

beneficial to this area.

By trade, I'm a tax consultant and I have represented probably three hundred coal companies. And in looking at some of their financial information, there is one company that I know that has a hundred employees. What they feed back into the local economy is thirty thousand dollars an employee per month. And that's astounding to put that much money back into the local community.

Please don't make your rules and our regulations more stringent because it's going to put these **folks** out of work. They are going to have to move. Their families will have to move. Let's leave Eastern Kentucky alone. Thank you.

MR. COKER: After -- after the break, Ann Hobliss, that's Ann Hobliss and Levon Baker will be our two speakers. Five minute break.

RECESS

MR. COKER: All right, folks. We need to get back in our seats, if we would. Our next speaker, Ann Hobliss indicated that she would not be speaking. She had to go. So Levon Baker, and our next speaker after that is signed up as 444.

LEVON BAKER: Good evening. My name is Levon

Baker and I have got thirty-two years experience in the coal mining industry. I have done everything from run a deep mine to a strip mine and I did some of the first permits that was done in the State of Kentucky. And whenever the Division of Permits, D.S.M.R.E., was initiated, all we could hear from the company, and the company that I worked for was "if these laws get passed, we will have to shut down". Along comes O.S.M. "If they get it approved and those laws are passed, we are going **to** shut down and leave." E.P.A. "We can't live with those rules." **MSHA.** "The mines, we will have to shut the mines down if we have to buy this equipment." And, to my knowledge, there is more coal being mined today in the State of Kentucky with less men at a greater profit than ever before.

Now, like I said, I have thirty-two years experience and I have a hollow fill on my backyard at home. I have one of those fish ponds that's got mud about that deep in my back yard at home. That qualifies me **to** come here and say I oppose this because I know, as well as you know, that they can mine the coal without putting the spoil into the hollow fills. They will find an alternative way. They can go back and reclaim with that, some of them. An

area that's, if you go out there and look right now, they need to reclaim. But there is always an alternative. **And** I have never seen a coal company leave here yet. Thank you.

MR. COKER: The next speaker after this gentleman will be Paul Fleming.

444: I am 444 and this **is** my grandson. I have been mining coal since I was seven years old. I am fifty-four years old. This young man, I hope, gets to continue. He may and he may not. I will promise you that I'm not going to come up here and tell any of you people that I'm going **to** tell you what to do. And if someone out there thinks that they are going to cell O.S.M., **E.P.A.**, what you are going to do, you are one of the worst fooled ducks that I've ever seen.

Now, we appreciate you all and we appreciate the other people that's out here that's concerned about us. Okay. This little fellow right here is four months old, what, just four months old, okay, four and a half months old. I'm wrong. When you're wrong, you say you're wrong. When you're right, you're right. It doesn't matter who says you're wrong. If I feel that I'm right and the entire United States says I'm wrong, until you prove me wrong, you



will know what Dave Duff is, one stubborn fellow. He will do what he thinks is right. Okay.

What I think is right is to do good for your community, your nation, and respect people, each person. Eecause each person, if you are not the most important person in your life, you had. better get that, because that's what happens to people who do not understand that they have to be the most important. Because if you do not have self respect, you have nothing. If you do not do what you think is right, **you** have nothing.

This young man right here, I was born in Hazard, Kentucky, December the 8th of 1349. My dad pulled checkers off of car at Blue Diamond **Coal** and when the rail car come out, it didn't stop. He pulled it off. He hung it over here. For the men that worked in the mine, that's **how** they got paid. Okay. **Now** my dad worked all of his life. He will be dead five years in two days. My mom died nearly a month ago. This little fellow, my daughter, my son, twelve kids was on a houseboat Saturday night. C02, carbon monoxide poison, the little fellow spent in the hospital Sunday and Monday. Okay. This right here is what's important. This. Lorri, would you come here? He's doing real good. I don't think he even cried when Papa

hollered. Now, he starts crying for his mommy.

But people and even -- I worked with Caterpillar. Probably some of my real good friends are Caterpillar people. These people really know their machines. They designed them. But I operate them. I love to operate machines. I've run them since I was seven years old, a D-8 tractor we got in a barn down here that runs like the day that we got it. Okay. They come in and they designed something. They are -- they have something in their mind that they know more than somebody else and maybe they are smarter. But that person that's been there, done that, is the type person that you want. And that's what you've got to do. You, anything you do, and it doesn't matter if it's coal mining, fighting for our country, which I do feel that we have really done well on the situation. It's tough to go out and die for your country. But if you can't die for your country, you do not deserve to live in it. And that goes -- that -- I do what I think is right. Today, tomorrow if I get up and I know that I did wrong, I still did right.

Now, have you had anyone, and I can't remember your name, Mr. O.S.M. I'll say, come to tell you what you was going to do? Have you ever had anyone, a coal mining

company to tell you what they were -- what you were going to do for them? No. And you won't. And if they -- if the fellow does, he is bad -- **he** is making I will say -- I can just about use other words. He is not using his head. *Arid* I'm not going to come over here. The Corps **of** Engineers. These people have **got** a job to do. It's what they do. I've got a job **to do** and I'm going to do it and they are going to do it. I don't come up here and don't need to bash them. But what we are saying **is** the ways to do something, it is a hard manner to mine coal on a piece of paper.

**And** one thing before I quit, when coal was formed, now as I walk off I'll say it. When coal was formed, it was in a swamp. The last time I looked, a swamp had water in it **and** the last time I looked. But a while ago I heard that it did run uphill. It was level.

**MR. COKER:** Our next speaker will be Paul Fleming. Paul Fleming. Paul Fleming, going once. Okay. Tom Jones. After Mr. Jones, it's Dewey Gorman.

**TOM JONES:** My name is Tom Jones. I am the executive director of the East Kentucky Corporation. East Kentucky Corporation is a -- is a non profit economic development organization that serves the communities of the

forty-five county area that includes all **of** the Kentucky counties that were a part of this **E.I.S.** study. The mission of the East Kentucky Corporation is to stabilize, expand, and most of all, diversify the local economies of the communities in which we serve.

Probably no community in our service area has typified that effort to diversify its economy more so than this -- this community in Perry County, Hazard area. It has taken a very scarce resource, and that is the level land that the mining industry has created by mining and has taken the mountain area, the mountain top area and the valley **fill** area and has developed institutional, commercial, residential, and even manufacturing facilities on it to create **jobs**, homes, and community -- and literally communities in -- in the Perry County area.

A number **of** other communities within Eastern Kentucky are following that same example. But the thing that really stands out, the thing that **I** think is really not given its true example and need to highlight in the E.I.S. study is the fact that the -- the topography of Eastern Kentucky and in fact the southern West Virginia, southwestern Virginia, Northeastern Tennessee area is typified by very rugged, very precipitous topography. And

it's only when you have some manmade flattening of land that we can in fact have substantive types of development that need to have that flat land in order to -- to be brought about and to diversify the economies of -- of the communities.

To give an example, last Friday I was contacted by a manufacturing facility who was looking for, as part of their sighting requirements, a thirty to thirty-five acre tract of flat land. **Now** it's very, very difficult in our service area in the mountains of the coal mining mountainous area of Eastern Kentucky to find that kind of thirty to thirty-five acres. And they weren't -- they weren't just asking it to disqualify **us**, but they in fact had to have that kind of land to build a five hundred by one thousand foot manufacturing facility, eleven acres under roof. You have to have completely flat land for at least that eleven acre tract. It simply cannot be found unless you are looking at a flood plain site. **As** far as natural plain, you can only find it in a flood plain site in -- in the area -- basically in the study area.

So we are -- we are very dependent upon the mountain **top** areas. We are dependent upon the valley fill areas in order to create some substantive development to

expand, to stabilize, and to diversify the economy of Eastern Kentucky.

Without -- without the continuance of mining and especially surface mining that can create that flat land, we are going to be stagnated in terms of development as we go forward in the future.

So I would certainly call upon you as you finish up your E.I.S. to keep in mind the need for some flat land in terms of development and in terms of balancing the resources of your study area. Thank you.

MR. COKER: As Mr. Gorman comes up, the next speaker would be Phillip Estep.

DEWEY GORMAN: I would like to thank everyone for being here and I would like to thank the panel that is here tonight. And more off I'd like to thank the coal miners that are here tonight. They are the ones that are away from their family and they are the ones that need to be home and they need to be, you know, they take enough time away at their jobs and stuff like that and they need to be home instead of out here debating problems that should be solved elsewhere.

You know, I'm going to say some strong language tonight. And, you know, it's -- there's a lot of things

here that have cropped up. You've got law, you have energy and you have coal and you have taxes. And, you know, the laws are already in place to take care of everything that O.S.M. has administered or has set forth for all the valley fills and everything. And I would like to commend West Virginia for picking back up and taking back off with mountaia top removal, which -- which is imperative to the coal business, you know. Along with making flat land, it takes -- it makes life a lot better for people that do live in the mountains and do have flat -- and do have flat ground without having a mountainside that's just like this right here. So, you know, that's -- that's along -- we appreciate what you have done, sir.

But, you know, we have coal that needs to be mined and there's severance taxes and there's a lot of taxes that come back to our county and there's a lot of taxes that are involved that everyone here pays as a miner and that we all pay. Enough of it doesn't come back to our mountains. I know it may not be part of the scope of this -- this hearing, sir. But, you know, we still need those taxes and we pay them and I think that Eastern Kentucky deserves their share instead of the golden triangle.

But also, you know, what the -- the hold up on

the 404s, I think, is something that, and I'm going to use a strong word, I think it is not like a permit where you put money up. But the way I understand it, it's money that you have to buy and you have to put up and you have to place. And it's a money that **is** like an extortion money. It's -- it's money that should be given back not to Louisville or Lexington or Covington or Georgetown. It should be given back to Eastern Kentucky. It shouldn't be given to -- it shouldn't be given to the areas that already have great economic saviors like Toyota. And they have Lexmark in Lexington and then something. Louisville has all their factories. Then you go to -- you go to Proctor and Gamble in Cincinnati and Ohio and other areas. **So** we need that money back in the mountains. **So**, you know, I think there's a lot of refining to do with what you guys are trying to do.

And it's great that we have these kind of meetings, you know. I guess that we have all learned from Bill Clinton and Hilary that we need to have town meetings for us all to get together and waste our time here at nine o'clock at night or nine-thirty, you know. These guys need to be home. You guys need to be home, you know. **You** guys are great bureaucrats and you all need to be at the house



with your families also. And I feel like that, you know, it's a waste of -- I don't want to say it's a waste of time. But, you know, it's hard to agree with people that are -- that are total hypocrites. That want -- that want to *go* home and blow dry their hair and look good when they go out and want to turn the lights on and the air conditioner on so they are not sweaty *or* anything like that. So, you know, and I don't want -- I don't want to talk about anyone that is doing that. But that's what everyone here is doing. So, *you* know, it's -- it's people that take logical -- make logical decisions for the betterment *of* our community. And we -- I live here. My son is here. My father *is* here tonight. You know, we don't escape to Lexington. We don't escape to Florida. We don't escape to the western state. We don't escape to New York. We stay here. We spend our money here. And the money that we have given, *you* can ask the superintendent of all these schools that I have given money, my father has given money, and all the rest of these profitable -- you know, they talk about these big -- big corporations that have profits. You know, you are looking at Horizon. You are looking at James River, great, great big companies that employ hundreds of people and you are going to put them out of business for

really absolutely no reason at all, you know. I just -- I just -- it fathoms me for what we are here **for**. I think that we need greater representation and which I think that we are getting. But, you know, those companies are in bankruptcy. There is no great profits in the coal business. Mr. Duff can tell you that. You know, anyone that's here can tell you that. These men are sitting here tonight making five hundred dollars a week, making ends meet just like I do, just like everybody else does. I don't have a big bunch of change to throw all over the place, you know. But all I'm saying is that we -- I appreciate you guys being here. And I appreciate, you know, the time that you have given me. And, *you* know, you didn't give me the one minute sign. But that's fine. Thank you guys very much. And I appreciate the coal miners for being here.

MR. COKER: Phillip Estep will be next. Then it's James Detherage.

PHILLIP ESTEP: My name is Phillip Estep and I'm from a little community from Salyersville. It's in Eastern Kentucky here. And I am a superintendent for Miller Brothers Coal and I want to address this issue of Martin County and Lawrence County over there. **You** need to come and look at one of Miller's jobs and not view one job

against another. Yes, they made a mistake. But you've got to come and look at these -- at the different situations throughout Eastern Kentucky. We need our hollow fills. You say to put spoil in the hollow fills? Spoil don't go in the hollow fills. Rock goes to the bottom where the water filters cut and that is very important. You've got more water running underneath the hollow fills today than what you did before that that hollow fill ever was put in. And **if** you've got silt control, that's what our ponds are for.

And you take the logging industry that is out there, and that's a big industry, it destroys more in one year than what we could in ten years or twenty years down the road. And I think it's very, very important and I can't say more than what everybcdy else has said. The fish and wildlife is running wild on our job over there. There's hundreds and hundreds of turkey on our job. The deer, the quail. We didn't have that ten years ago or twenty years ago. Right today you can **go** and you can go and fish on our job anywhere. And it's very important that we keep doing what we're doing today **to** keep our jobs because if we don't, our town over at home and this town here will be a ghost town. In another five years, we're

out of a job. We may be out in a few more days because there is some that's already been laid off. There is people out there, companies are shutting down. You can look at the coal trucks down 23 right today. There's very, very few coal trucks running 23 today. Thank you.

**MR. COKER:** As Mr. Detherage comes up, the next speaker would be Denny, I think it's Noble.

**JAMES DETHERAGE:** My name is Jim Detherage and I didn't really prepare a speech or nothing tonight like a lot of these other people did. But I'm glad I went ahead and signed up for this. Number one, the Lord put coal in Southeastern Kentucky to mine it. That's exactly right. He give us a chance to make a living for our people and that's what we're doing. That's what we're trying to do. All we want to do is just ask for a break. The coal industry itself has not had a break for a long time. I'm going to ask you people to just consider giving us a break. Thank you.

**MR. COKER:** As Mr. Noble comes up, it will be Angela Stewart.

**DENNY NOBLE:** I'm Denny Ray Noble. I'm the county judge here in Perry County and what I've heard here tonight is not true from the Kentuckians For The Common-

wealth. We do have wildlife in Perry County now, When I was growing up on the farm, we didn't have wildlife. There was no strip mining around that farm at that time, yet we still had sulphur water. We had salt water. Today, due to coal severance money coming back to Perry County, we have city water. We have clean drinking water.

There was a guy come to my office the other day and he wanted -- he wanted to track the moon and he said this star was going to **pull** the earth apart and the earth was either going to burn or it was going to destroy the people. He wanted to build buildings on the earth. Everybody has an opinion on what's going to happen. My opinion is we need our strip mines. Our budget was around thirteen million dollars last year. Two-thirds of that budget come from coal severance, We have eight million dollars worth of water projects right now and sewer projects. Coal severance money.

I appreciate the coal mines. We would not have nothing to work with if it wouldn't for the strip mines. Thank you. I would like to say one more thing. These people that are against the mining industry, when you go home tonight, turn your light switch on.

MR. COKER: Angela Stewart. Steve Gardner will

be the next speaker. While Mr. Gardner is coming up, after him it would be Elisha Abner.

STEVE GARDNER: Thank you. I spoke this afternoon. But I've heard a few things this afternoon and this evening I wanted to follow **up** on. I will put all this together in written comments later. My name is Steve Gardner. I am a consulting engineer. I live in central Kentucky area now. I had the good fortune to grow up in Appalachia. My family still owns land in Appalachia. I have lived and worked in Appalachia for most of my life. But we do have to start thinking about life after coal. When that happens, when we run out of coal in a couple hundred years, I envision an area where there are all new communities and recreation areas on tops of mountains, with industrial parks and commerce areas connected by **four** lane highways and airports, all **of** which has been made possible by mountain top mining.

In addition, **all** of central Appalachia is not going to be level. The E.I.S. itself shows only a small percentage of the land slopes will be changed by mountain top mining. This whole process is no different than highway constructions or other urban developments, any other major construction process.

Now I've heard from a Catholic priest, a nun, and a minister that mountain top mining is immoral and sinful. That didn't -- didn't set well with me. Now this forum has turned into a debate on coal mining. It's interesting to note some of these contrasting views. I don't expect either side here to change the other's minds. But with all we have heard, we must be looking at different worlds somewhere out here. Now this **is** supposed to be a forum on the merits of **E.I.S.** itself.

Now, as an engineer, I like to deal with facts. And the criticisms I have heard are not based on fact, but emotions. The images we see in the press are simply not true. And, sure, we've had problems as an industry. We are human. People make mistakes. We correct them. We learn from them and we go on. **As** an engineer, I have investigated numerous allegations of mining damage. The vast majority are the results of other problems. Sure, there's some problems that's caused by mining companies. And in all those cases they are corrected. The insurance companies and mining companies do their best to take care of the problem. But in those cases a lot of companies are presumed guilty until proven innocent and then are still forced to settle outrageous claims that are not a result of

the mining process.

Now, what happened in Martin County was indeed unfortunate as any major accident is unfortunate. Again, we learn and we go on. Coal is a commodity. It's necessary for our lifestyle. There is little in our day to day life that doesn't come from some form **or** fashion from the coal industry.

Again, one of the points that I wanted to underscore that I said this afternoon, is landowners want mountain top mining. A landowner must approve the process. Mountain top mining cannot take place unless the landowner approves. We have had scores of developments that people has named all afternoon.

Now this whole debate that created this E.I.S. started with the Hayden decision in West Virginia, a decision that has now been overturned. The Hayden decision was based on semantics centered around the definition of "waste" and the Clean Water Act. Now we engineers many years ago made a mistake **by** calling excess spoil and rock "waste". We all know what it is. The industry has been working under the mistaken impression for years that they are conducting a legal enterprise and then all of a sudden we are told it's now illegal.



What we want in the industry is consistent regulation and one of the problems we have is disagreement and reinterpretation of the laws that occurs between the different agencies. We need a level playing field. That's what SMCRA was all about. As I told the group this afternoon, I had the opportunity back in the seventies to work on research funded by E.P.A., D.O.E, Bureau of Mines, on developing mountain mining processes. And I'm sorry our friends from Tennessee are gone. I used to live in Tennessee and worked down there for four years. But I helped develop the cross ridge mining concept back in the seventies. That concept is simply mountain top mining. We all know what cross ridge mining is. It's nothing new. And the federal government funded that research. Let's talk about alternative energy for a minute. What is the alternative to coal right now? Nuclear. That is the only viable alternative. Some day, wind and solar may provide a small percentage of our energy. I am confident that in our lifetime we will see some new developments on the energy front. But, until then, coal is it. Now some day a lot of our mountain top mining sites might be a good site for some windmill farms.

But I also said this afternoon farmers and

miners love the land. I think that makes them true environmentalists. Thank you.

MR. COKER: Daniel L. Mongiardo.

ELISHA ABNER: Good afternoon. Good afternoon. My name is Elisha Abner and I am not a member of the Kentuckians For The Commonwealth. I am, however, a life member of the Buckhorn P.T.A. I am a life member of the American Disabled Veterans. I wonder sometimes what goes on in these different organizations of mines. I **run up** here tonight. I had been in a meeting in training because I'm on the site based council at my local elementary high school. I wondered why should they be complaining about this, when it was not so many years ago that I first came in contact with these people over in Leslie County at the urgent request of the Begley Brothers Logging. At that time I got a terrible taste in my mouth for the Kentuckians For The Commonwealth. They are a misguided, misled -- misled bunch of people. They were trying to prevent Trust Joist McMillan from coming into this region. They have got off that horse now and they are onto this. I would ask that they go home and join the P.T.A., join a church, or join something to occupy your time.

One comment earlier tonight, I had several

notes here, but a lot of people has stole my thunder when they get up and answer to the criticism. But they was wondering what was going on and the reasons the Germans are buying the water. That's not my concern. My concern **is** this community. My concern is the livelihood of this community. I have got four children still in school from elementary through high. I want those children to nave the opportunity to get an education, a good education. Then if they want to go to the far ends of the earth, that's fine. But without coal severance tax coming into our schools, that education is going to be suffering. I have got several pieces of property in Perry and Breathitt County. I would like to invite -- I don't see my little lawyer here I had a few ccmments for. So I'll just skip that. I would like to invite anyone from the Commonwealth of Kentucky to purchase my property and start paying the taxes on it. Then you can do whatever you choose with it. Until that time, leave it alone.

There was a comment made about the absentee landlord, that they own property here and they live somewhere else, so they don't care about it. The key word there is "landlord". They own it. It was their family's heritage. It is their family and themselves that pay taxes

on it. It's their choice what to do with it.

Another statement was -- they say that you go ahead and make up excuses that you're going to mountain top to get this other usage and then it turns into nothing. if you've got a, like they alluded to earlier, you've got a ranch now that's operative. That's a pretty good use. That's pretty good industry. They's a whole lot of people that bale hay and make a living just working off **of** that farm.

The A.R.H. Hospital over here is sitting on a top -- a piece **of** ground that would not have been possible. The same way with Trus-Joist McMillan and all the other manufacturing that's out here. I had a ruptured appendix. I live in Buckhorn. Had it not been for that land available, the old dilapidated -- dilapidated hospital downtown I may not have survived. My nearest option may have been somewhere farther than I could have gotten to. I appreciate the hospital being located here.

They's a veterans center out here. Again, it wouldn't have been possible without the land being made available. I'm a disabled veteran. I served my country. I feel that I earned the right to own my property and do with as I see fit, **If** I go out here and join different

organizations and get up and spread falsehoods and rumors, then what's the purpose in life? I look for a purpose in life to be able to serve my God primarily, my country, and my family. I have done that all my Life. And I will continuer to do that.

I had a -- my pastor is in the building. So I will close at that. Thank you guys very much.

MR. COKER: As Mr. Mongiardo comes up, the next speaker will be Brandon Smith.

DANIEL MONGIARDO: Well I'm glad I got to go before Brandon, because it is before midnight. but it won't be after he is done. I am Daniel Mongiardo. I'm a state senator for Perry, Bell, Harlan, and Leslie County, which includes a lot of the area that we are talking about. And, as I have set here and listened to the different perspectives on both sides, I really appreciate the discussion on both sides. But I wanted to look at it from a different perspective, which we may not have thought about before. And it does have to do with mountain top removal and destruction of peaks.

A couple of years ago we had a couple of peaks that came down in this country, the Twin Towers in New York. It happened because we have a great dependence on

fuel. We have a great dependence on oil from foreign countries, from foreign countries that people live in that hate us so much that they will fly our own airplanes into our buildings and kill innocent people.

Now what we should be doing is increasing the dependence on fuel, but an increase in dependence on our fuel, because I don't think there is anybody from Eastern Kentucky who would ever think about flying a plane into our own buildings. We need to develop an organization called Eastern Kentuckians For America's Homeland and I invite the Kentuckians **For** The Commonwealth to join that.

What we have because of coal, we have -- I'm a -- I'm a pilot and I am a doctor, **We** have an airport. We have a hospital. We have a hospital system that used to be the Miner's Memorial Hospital System because **of** our coal miners and coal. Without that, we wouldn't have hospitals. We wouldn't have airports. We wouldn't have industrial parks.

We have currently fifty percent of our coal severance money coming back to Eastern Kentucky and most of that money, thanks to a lot of fight from our representatives, one in the front row here, **is** going to water, clean,

safe drinking water for our people. We've got the highest cancer rates and some of you have heard me say this before, we have the highest cancer rates in Eastern Kentucky. Not because **of** the water that runs through our streams or the coal that has been taken out **of** our mountains, but because of other reasons. **Gas** wells that have driven deep, deep through multiple layers that have allowed chemicals to escape into our water wells. And we have to stop that. The only way we can stop that is through coal severance money. That's the only money that we get that comes back here that we can protect ourselves with long term.

We have elk. Elk takes five percent pasture land. Without mountain top removal, we would have two to three percent pasture land. We would not be able to have elk in Eastern Kentucky, which is part of the tourism that's going to be part of our future. We have seventy percent pasture land because of mountain top removal.

We have, next month we will be breaking ground on a new industrial park in Bell County because on an area of thousands of acres **of** mountain top removal, It's going to be one of the most beautiful industrial parks in all of Kentucky and that's going to bring jobs in Eastern Kentucky.

One of the future fuels that we hope to have is hydrogen fuel cells that's going to be a byproduct of coal gasification. **So**, while some people want to stop coal, I think that it is imperative for us to demand that we put more emphasis on coal for today, for our homeland defense, and for the future of this country. That's what each and every one of us want for our children, our families, and the future of Eastern Kentucky. Thank you.

**MR. CORER:** As Mr. Smith comes up, the next speaker will be Michael Meade. That's Michael Meade.

**BRANDON SMITH:** I would like to say to the group of men and women up here that Senator Mongiardo, who just spoke before you, one of our Kentucky senators, and myself as a representative, have deep understanding of our area. And I would like to certainly take my hat off, or somebody else's hat off in that case, for the type of commitment that he has shown and the type of commitment that our work force has shown to us.

I would be remiss if I didn't go through all the different things that everybody else has. And I don't have any prepared speech. But I have jotted down some notes. We could talk about what we have done with our property as far as the industrial parks. That will mean a



major difference for the people you see out in this audience. The airport that we're getting ready to expand, or for the golf courses that we hope to bring. What we have been able to do by converting a lot of this property over for our elk. Because the things that are coming in this area are tremendous. Their impact has been tremendous. And behind these hats that you see out there, the people that we know, you all may not know them. But I know every one of them and in most cases have been to their home. When you say Kentuckians **For** The Commonwealth, that's them. They are right out there. They have got caps on. They are --

This is a truly great group of people. These guys, I hunt with them and we fish together and we have gone out and cleaned up streams together. You talk about a leader, right here, David Duff, has opened **up** roads and cleaned up country and stuff at his own expense. His property out there, the University of Kentucky has used it for a lot of different things that they are studying and doing. The cattle that he has brought out there and the awards that he has brought to Kentucky for the work that he has done on his property, the grasslands that are bringing in large animals and herds that we weren't able to have

here for a long time. In some cases the forests are now -- have bear that are coming back in. These people out here are responsible. And they are all members and they are all Kentuckians For The Commonwealth and they all want what's right. Now, just because they mine, it's almost nonsense to think that those two can't be the same. Mining is just a way of us to be able to level off some of the land that we can make flat land in order to **do** these things, so that these men that worked hard in the mines for the years that they put in there, and the hours they put in there, to know that their family can have more. There is nothing wrong with them. They should be extremely proud of that.

And the state in our hand, we are public servants just like you are. And I would like to address some of my comments to some of the offices that's here. I have been extremely frustrated with the way that our permits go through. With the Army Corps of Engineers it takes us forever. I call over there and I constantly am trying to keep these men from losing their jobs. I'm not talking about the mining operations that are negligent. I'm talking about the ones that go back in there and do top notch work, people that have won awards for the type of reclamation work that they do. Yet they wait for tremen-

dous periods of time to go over there and find that their permits are just still sitting there. "Well, we'll review them, we're going to get started on that, we'll look at that next week."

Now, when it comes to, and I'm getting a little bit more technical than I want to, but when it comes to the mining mitigation process, listen, that's a program that works. And I understand you all do us a favor by doing that. I don't have a bit of problem with the way that works. It's good. We have developed a lot of property. We have been able to create things because you allow that to go through. But when the process stalls at your level, it costs these men their jobs. There has been jobs that were shut down just in the last couple of weeks because they were holding out hope tney would be able to get their permits to go through. When I called them yesterday, the permit hadn't even been picked up yet. And, as a state official, and! my duty is to take care of these men and women and their families and to make sure they have the right to be able to work at a job worth doing. And that's what's great about America is you can still do work here that's worth doing. And when you all hold that up, maybe it's because there's some kind of a federal regulation or

you all understand or whatever, this is stuff that we need to talk about.

From a state level as a state official, I want you to know that that's hard for me to go over to these homes and see these families not be able to work, not because of anything they have done wrong, but because their permit didn't get picked up and somebody is going to have to take a chance to take a look at it tomorrow. Then it goes through a long process just to get started.

So I want to encourage you to look at the way you all processing that and look at how efficient -- if there's ways of making it more efficient, especially in cases where men are going to be laid off and jobs are shut down. And jobs are not negligent. These are guys that are good players, They are good faith players that want what's right. They take care of their workers. And on the other side, they take care of their community. I would ask you when you look at those permits to look at the faces of these people out here because it's their jobs you all cost when those do not go through.

Now, there's a lot of things that are going to go on here and you all have got an opportunity to make it better and make our jobs easier. So I don't have to call

so much and we don't have to worry so much about that, I can go ahead and take care of other things that we need like education or getting better water.

But there's people out there, Fitz Steel, one of the best people I know, has done more to work over at Buckhorn **of** his own time to make that a better place for people and their families. You should be lucky in your lifetime to meet somebody like that. And these people that have come out here tonight, that their families are waiting for them, that are in here on tired legs. These men are standing here on tired legs because they have been going at it all day. I know you all are tired. But you are public servants just like me and this is our job. I never complain about my job. But, listen, it is so important what you do. The decision of this committee and what *you* turn in is vital to what happens in Kentucky. This is a federal policy. It's not just Kentucky. It spreads out and it has a broad effect.

How many of you all, and I want **to** ask you this, how many of you have been through this area here and have toured the area? Please, raise your hand. If you have been out here and seen these coal fields. Have any of you been to the coal fields? You have. So you all -- then

everybody has been out there. How many of you are from coal producing areas? Are anybody in here from the coal fields? I mean, please, I'm not being facetious. I'm being serious. Because when you are from there, you can't ever escape from that. That's your heritage. **You** understand who we are. But with that, I just challenge you to do what's right. That you can do both. That you can do the thing that makes you feel good about yourself. But you can also be progressive. That's why it's extremely an honor for me to put this hat on because the fellow that gave it to me is a hard worker. He is very proud of the job he does. And you should be proud of the job he does. Thank you.

MR. COKER: Before I go to the next speaker, I do want to say, you know, we said from the beginning that we were not **up** here **to** answer your questions. And we have tried to refrain from that. But I assure you that we have been to the coal fields and we do work in the coal fields and we are familiar with what goes on in the coal fields. Beyond that, we won't say anything else. But, other than the next speaker is Michael Meade. Michael Meade is not here apparently. Charles Everage. I see Mr. Everage is coming forward, While he is coming forward, after Mr.

Everage the next speaker will be Bill Caylor.

CHARLES EVERAGE: My name is Charles Everage. I am from Hindman, Kentucky, at Knott County. I own B & C Trucking. I'm a coal hauling company. And I am also a mineral -- mineral owner. One of my concerns would be what would happen about our unmined mineral taxes that we have to pay every year. Already as hard as it is to mine, it's getting more -- less and less feasible to mine the lower seams **of** certain -- certain coal. But I am having to pay taxes on it right now every year that it's not even looking like they are going to be able to mine as it is. Then they keep wanting to make it harder and harder on their surface mining companies. I just, you know, it's getting worse and worse. **It's** unfeasible to do it any other way at this time. They have been a few tried the shaft mining and stuff like that and it might be, you know, it might be all right in time. But, as of yet, I don't think it's a plausible way to do it.

I've got about fifteen people that works under me. I'm no -- no big company or anything. But I do have families that depends on me, you know, for their paycheck and their family's livelihood. I've got a four month old little daughter myself. And I live here. I have always

lived here and probably will live on. This is all I have ever known. We've been -- I've been in the mining also. So I understand how that goes. It's -- it's not a very pleasant business, to be honest about it. It's very rough. But it's the way of life for my papaw's and his papaw before that. And right now we are even, as bad as the laws is right now, we have been setting for two weeks on we've got two **jobs** on the man that I work for, we've shut down for crawdads and another job shut down for bats and stuff like that. I mean they are still going to say will this make it worse and worse, *you* know. And I just don't see where it's going to end if -- if this is -- what we are setting on right here, this is fill, **if** I'm not mistaken. I might be wrong. But this is fill that this building that we're setting on right now. It's an awful nice building, I think.

But, to get back with it, I -- like I said, I was in mining myself and the people wants to talk about that, my father and grandfather mined for years and right behind our place of business right now, that's all on filled and it's been mined and we have -- on top of the mountairi, I thought about bringing some pictures over here, but they was too big. But you wouldn't even realize where



you would be up there. We've got cattle, elk, elk, a lot of elk. About -- we can cut fifteen hundred bales of hay on the property we own. And we've got deer and foxes and turkeys. People says it destroys **the** country. Well, I think -- I think it's just beautiful up there. It -- it does change the mountains. But it changes them for better. As I say, any kind of business besides your personal homes maybe not, but any kind of a government building in this area, I would say almost seventy-five percent think it's on fill. that might not be mining. But I mean if we're going to talk about landfills, hollow fills, however you want to say it, you might as well talk about the whole thing, fill. A fill -- fill is fill. No matter if you're mining coal or if you just take it off **of this** mountain to build this building right here. It's still fill. I shouldn't think there would be any kind of difference in that.

8

Creeks, they want to talk we destroy creeks. We already you can't -- you cannot fill nothing what, sixty foot, sometimes it's a hundred and some foot in certain places, in cities and stuff.

I've not planned nothing. I work for a living. You know, I just -- I heard about this. I heard about this yesterday. It, you know, I'm glad I come. I'm glad to

hear everybody's ideas. But, you know, I didn't write nothing down. I'm just talking with -- with what I feel. People that don't like mining or don't like our business, they need to come on -- as they said, the people that's against it, that's all I've heard is "Martin County, Martin County". I have never been to Martin County and I've lived in Knott County, Hindman, all my life. I've never been over there at Martin County Coal. I work for Bob Miller, Miller Brothers Coal, and I'm sure he wouldn't care for anybody to go on his jobs and see anything we -- I say "we". It's his company, But it's like a family. I would say he would care less if you -- anybody would come over there and look. It makes very beautiful land.

That's -- that's about all I wanted to say. But I -- I am, you know, that is, you know, we are all here because of money. I mean it's a sad thing to say. But that's what we are here for. I mean I'm worried about the people that works for me. You know, they -- you know, like I said, now here's two weeks that went by that I don't know how much money you all make and don't care really. But they went two weeks now on just frivolous. Just like the one guy talked, you know, people that don't do the mining right, well that's fine. You ought to hold them up. But

people that does it right, it ought to just keep on going, you know. Because I'm worried about fifteen. He's worried probably about a hundred and fifty. And, you know, it gets very unnerving when you are trying to do right and do by the law and then they still want to come up with stuff to cut you off. So I thank you for your time.

MR. COKER: As Mr. Caylor comes up, the next speaker would be Fitz Steel.

BILL CAYLOR: Thank you very much. ma'am, let me know when my one minute warning is. I would appreciate it. I want to make sure I've got a couple points I want to make sure at the end. Thank *you* very much.

The first thing I want to say is God **help** us from all these out **of** state do-gooders that are here to help us. I don't know what we're going to do. And I'm not referring to *you* all. I'm talking about the people from out **of** state that comes up here and tells us what we need to do with our coal mines and our lives.

There was a Little old lady that set over here earlier that laughed at clean coal technology. Now what clean coal technology is is technology that will scrub away the pollutants from the smoke stacks at our utilities. And a lot of the old utilities need these clean coal technolo-

gies that will make the air cleaner. It's very good. What we saw was what I would call a wolf in sheep's clothing because she was against that. She is against -- she is not a true environment -- environmentalist, because that would actually clean up the air.

And I want you to know one other thing. Clean coal technology would allow more Kentucky coal to be burned in utilities and that would eliminate our dependence and a lot of utilities dependence on Wyoming coal. So that would be a great plus for the Kentucky coal industry.

Now, my name is Bill Caylor I'm president of the Kentucky Coal Association and I speak for the Kentucky coal industry.

This lady also mentioned the tourism. The tourism is no bargain for a community, It is an excellent piece of a diverse economy. But the tourism is based on minimum wage paying jobs. And, trust me, that is not -- that is not a bargain for any economy, It is a piece of a healthy, diverse economy. But don't let people tell you that's the sole -- the sole salvation.

The other part was the Bible bashing. I tried to keep from saying this, but I can't help myself. We don't to bring the quote from the Bible into this debate.

You can see -- read anything you want to in the Bible. For example, in Isaiah, it's either verse thirteen or fifteen, it's around that area, it says, and I quote, that the "mountains shall be laid low and the valleys filled in". Also in Genesis, you know, it talks about man having dominion over the earth. **Let's** stay away from the Bible. Let's don't drag the Bible into this discussion because you can read anything you want to in it.

Profits. Profits **is** not a dirty **word**. It's a healthy word. **If** we did not have profits, none of us would be here. Ask any businessman in Hazard or anywhere in the country or anywhere in the world. There **is** no such thing as a dirty word called "profits". And yet, you have people that laugh at that and talk about the corporate greed.

Coal responsible for the environment or for the unemployment. That's so untrue and so irresponsible. It's an example of what I call voodoo economics. It's based on untruths and it's used to just perpetuate the railings of a few that want to see the coal industry end.

They talk about the scars from mining, from old mining. One -- one lad said that we will have these scars a thousand years from now. Another lady, referring to the Martin County Coal slurry -- accident we had three or four

years ago, said it would be devastating forever. That the water was above the toxic levels. That is so untrue, it's unbelievable. The coal slurry is nothing more than coal fines, clay fines, shale, sandstone. It's rock. There is nothing unusual about it. And yet, the K.F.T.C continues to portray it as something evil and toxic and nothing could be farther from the truth. Grass will grow on it. It's clay fines. Coal is nothing more than prehistoric wood -- woody material.

Then you talk about water above toxic levels. They are now bringing in selenium as a new toxic chemical that's going to devastate our streams. I took a Centrum vitamin this morning when I got up. And every vitamin has selenium in it. You know, I don't know what else they are going to come with next. But, you know, we take that as multivitamins. it's in every multivitamin.

Destroy streams. We elevate these dry ditches and they are still -- they still function as a dry ditch. If we need to do more, vegetate it, let us know and we'll do it, you know. But we transport water. Give it a few years and it will transport the organic materials down and it will become a headwater stream again. it's called a headwater stream because it will carry the decayed plant

material which is important to sustain the ecosystem down below it. Give it a few years.

Bringing in other businesses. You expect the coal industry to do that. We will work with you. This is the best industry in the world. Give us ideas and we will work with you to bring other industries to diversify this economy. **We will do it.**

Flooding, after these intense summer rainfalls. If you had had the same rainfall in any other part of the state, okay, excuse me, and it would still flood. Quit looking for somebody to blame.

Now, we prefer alternative three. And I know you guys do too. I know you guys didn't get a chance to say that in your prior comments. I want people to raise your hand that prefers alternative three. Raise them high, **guys**. I want you to count this. I want this for the record. Count it. You've got at least fifty people in here with their hands up that are for alternative three. I want that to go down for the record. These people did not have a chance to -- or didn't realize that this is some of the information that you all seek.

The last thing I want to say is you miners, coal miners, are America's heroes. Thank you all.

MR. COKER: As Fitz Steel comes up, the next speaker would be Randy Wilson.

FITZ STEEL: Yeah. My name is Fitz Steel and I do work for Pine Branch and I am pro coal. One thing I am also, I'm on the Hazard/Perry County Industrial Board. Without the coal filling the hollows in -- I'm sorry, we would have no industries, no factories around here. Another thing that gets me, I don't understand the definition of a stream and a runoff ditch. That's what gets me. And as far as the streams, we have a job at Combs Branch that we have seen and have pictures of when the creek gets up so high, it's so muddy the water coming off **of** our job is clear running into that stream. We have cattle, horses, on our job. And I'm not talking. I'm going to show you pictures. Anybody chat wants to see these pictures, you are welcome to. If we destroy the land, I don't know what it is.

Also they are talking about alternative fuels, nuclear power. That's good. We guard that right now. Natural gas, and no one has mentioned this. I have been here since -- what time did this start, two o'clock? I think it's August 17th in St. Petersburg, Florida, our energy committee, they are meeting with the Russians. They



want to buy gas from the Russians. That makes me feel good.

And, oh yeah, the Kentuckians For The Commonwealth. Every April in central and Eastern Kentucky, and which I'm a member of PRIDE in Perry County too, we have a little thing for two weeks called PRIDE. We get out, we walk the roads, we get in the ditch, we get in the creeks, we pick up garbage, we dodge rattlesnakes, we pull appliances up over the hill for Perry County. I don't know about the rest of Eastern Kentucky, And I have seen them. And I have walked twenty-three point four-tenths miles in one day, both sides, five hundred and thirty-one bags, less than fifty volunteers. Do you know how many Kentuckians For The Commonwealth helped us? None. They need to clean up their own backyard. We're taking care of ours.

MR. COKER: Before Mr. Wilson comes up, right now that's the last speaker we have registered. So if anyone else would like to speak, while Mr. Wilson is speaking, if you would, please, go back and register if you have changed your mind and want to speak and we'll get you on up here to say what you have to say.

RANDY WILSON: Hi. My name is Randy Wilson. I live on the Red Bird River in Clay County. I go to

church at Joy Center and we pick up garbage too in our streams. I just wanted to say a couple of words. Our neighbors, my neighbors are miners and they love each other more than any two people I have ever seen. And I think miners, their life depend on each other and that's why they are here tonight. They know their lives depend on each other when they go underground. And most of the miners I have seen, they are friends for life. And, you know, I'm proud to have those people as my neighbor.

And my wife is a doctor and she sees a lot of miners too. Back problems, all kinds of medical problems that come through. So, you know, it's important to honor the people who do chat work.

But I would like to add that I think the problem here, beyond engineering and arguments, scientific or moral or immoral, I think we -- the real issue is options for work. Whether these men here, what other options do they have? From Montana they -- they looked at Appalachia, our part of the area, and they had resources and they were getting -- getting ready to mine that out there. They came to the Kentucky legislature and they said -- the first thing they said, "We don't want to be Appalachianized." We said "What do you mean by that."

They said, "We want to get the money and the tax to build the best roads, the best schools, the best hospitals in this nation, we want to start now, we don't want -- and we're going to have that for our people.'" And that option **is** not alive for us. That severance tax, it's spread all over the Commonwealth. It didn't all come back here. And it's funny, you know, that we set on a gold mine, coal mining, oil, gas. And we've waited so many years. We should be -- we should have the best schools, the best hospitals, the best roads in this nation for what **we** sit on. But that option has been frittered away by our leadership. So these men and women here, we talk about options. It's not science. It's options about diversity and work and a meaningful job in this area. And that's where our leadership, I believe, and we as people, as citizens, have let our people down, our mountains down. There's plenty of people, they would like to have a job that wouldn't break their back or ruin their lungs. There are plenty of people that would like to have an option of something else. My wife sees people without options every day. But you have to think on the other hand. This isn't just **my** opinion. But I think, like the man said, it is money. Money is the option here for a livelihood, for our

communities. Is there another option? **Is** there another option for me to turn on those lights? There is no other option, no viable other option. Are there that many other options? There's not that many other options. **So** whenever you talk about engineering or science, it's almost irrelevant when you have a situation that has no options. That's why these people are here.

Now, let me add one other thing. **If** -- if this is good, if this mountain top removal is good, why don't we export this idea? Vermont, they have mountains. They need space. They need room for hospitals and jobs. Why not go to Vermont, the officials, and **ask** them if we could export this idea to Vermont. New England, New Hampshire, they need space. They have mountains. Switzerland, they have mountains. If this is a good environmental economic plan, we should be enlightening this country with this plan. But we are here for now. Why? Other options. And you are in a tough position. That's why this is a powder keg. You are in a tough position because there are no other options.

**MR. COKER:** As I said, we don't have anybody else signed up. The hearing is scheduled to go until eleven o'clock. **So** if anyone wants **to** register and speak, now is your chance. I don't -- I don't want you all to sit

here and just look at each other. I don't guess we planned for that. Let's just take a break. Let's take a five minute break here, at least a five minute break. If anybody wants to speak, please register and we'll get the cards and get you up on the -- up on the podium.

RECESS

MR. COKER: Okay. Mr. Keith.

LARRY KEITH: My name is Larry Keith. I have been in engineering for twenty-six years and involved with mining the same amount. A gentleman has mentioned earlier about the topography and the need for area that mining creates. Earlier I looked at an area approximately one square mile around the Hazard Regional Medical Center and the Hazard Village Shopping Center. In this area there were one hundred and four dwellings, twenty-eight medical and health care facilities, eighty-nine businesses, six churches which occupy previously mined area. This is -- this is an area which -- which twenty-some odd years ago I had looked at a map they had drawn out areas for residential and commercial properties. And today that -- that's something that has come true.

A couple months ago too I had talked to a biologist from a college up in Northern Kentucky that came

down to do a study or a bug count, as they call it. Standing at the outlet of a pond on one of the jobs, he told me to not let anyone tell me different, that the water coming from this pond was substantially cleaner and better than any water that you could find in any open channels in Louisville, Kentucky. **So** that's, you know, maybe the Kentuckians For The Commonwealth can go start investigating this.

MR. COKER: Is there anybody else? One last chance for anybody else that wants to speak and get their views on the record.

MR. DUFF: Can I speak again?

MR. COKER: Well, we've got a rule on only once per session.

I'd like to speak.

MR. COKER: Can we get you a card? Okay. That would be fine. We'll wait.

Have you got a card up there?

MR. COKER: Do we have any cards up here? We'll just write your name down. That will be fine. Be sure and state for the record your name after you write it down and where you're from, please. Thank you.

WESLEY HARVEY: My name is Wesley Harvey. I

would like to say a little something. These people that's against our coal mines and against our way **of** life don't seem to understand one thing. They live in the big cities. They get all these businesses coming. They get all these businesses bringing money in. Our money from here in Eastern Kentucky, I know for a fact, fifty percent of it stays up here. I -- we get our money back here for our kids supposedly to be able **to** get a better education. But yet, for some reason or another in our area here, we have to lay our teachers off just this past year. Our education is gone. Unless we keep our coal companies going and keep our area money coming in, **our** kids don't have nothing. I've **got** a four year old son. Richard has got three. I don't want my **son** to grow up in flat land. I don't want him to grow in Lexington. I want him in the mountains where he loves to walk, pick blackberries. Coal companies provide a living here. People need to realize. I mean you all have got a job to do. Don't get me wrong. But, please, don't take our way **of** life away from **us**. My son loves this area. And if you all shut us down, I have to leave and I don't want to leave. That man provides me a living six days a week. I get to do things with my son that I could not do if I lived in the city because I would

have to work seven days a week around the clock to make the same living that I make there. You don't understand. You all need to live a day in our shoes. Live in our shoes one day and you will see the regulation that you all have put -- trying to put on us as a coal company.

The coal companies around here shut down. I have worked for three coal companies. I worked for Locust Grove. I have worked for Diamond May. And I now work for Fine Branch Coal. These coal companies have shut down. The little gal that lived in Wolfe County, if she would tell you the truth, when Buggy Clemons was stripping in Wolfe County, Wolfe County was a living, booming town. But the coal got to the point where they couldn't no longer. The regulations got to where we couldn't mine it.

That's all that I'm saying. Please, please don't take our way of life away from us because this is all that we know. I mean think about our kids. My kid, my little boy, God hope and pray that he gets to be around here and enjoy the land that this man is developing because it's right there where I live. This man, makes absolutely wonderful land. When I was his size, you never seen turkey. You never seen deer running around. Now I can go out and get on my four wheeler and ride up and it ain't



nothing to see twenty deer, two hundred turkey. Geese fly over top of my house all the time. Go to a pond. They's a creek that runs down in front of my house. The creek was dry six months out of the year. They put a holler fill in. The minnows has come back in the creek. The crawdads is coming back in this creek. This creek never runs dry. There's fish in the pond. **You** can't tell me that -- nobody can tell me that the water is not clean. Because **I** know for a fact that minnows and crawdads will not live in a dirty stream. Thank you.

MR. COKER: Please write your names down here, please, and state your name and where you're from for the record.

SIMMY RAY BOLEN: Okay. Simmy Ray Bolen from Buckhorn, Kentucky. Well, one thing I'd like to say **is** that the seven seam of coal **was** once level and it washed out and the same material that was on the coal is what's down in the Mississippi River right now probably. But really what **I** would like to say in front of a big crowd is there is nothing in this world what don't require a sacrifice. I was thinking about our soldiers that are fighting for our freedom tonight, sacrificing **so** that we could do this. **We** live in a great country, America, and

I'm proud to be an American. I'm proud to be from Kentucky and I'm proud to be a coal miner. And I'm the pastor of a local Baptist church. I get in trouble every time I get behind a pulpit, most of the time.

But anyway, I was thinking about the sacrifices that people make. And I don't -- anything that's worth having is worth sacrificing for. Like Dave said, that a man that won't die for his country don't deserve to live in it. And I feel the same way about a lot of things. I have been mining coal for twenty-eight years. I have worked in the strip mines and everything. There's sacrificing that go with that.

And one sacrifice I can think of that was for the betterment of the community, the betterment of the people surrounding, was the Buckhorn Dam. Back in the late fifties and the early sixties my family was run out. But overall, it helped everyone. And, as I look at that, I can see where a few people has to sacrifice for the betterment of the community and that's all that I wanted to say. There has to be a sacrifice for someone. Okay.

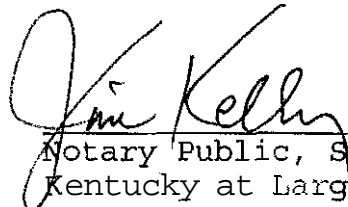
MR. CORER: Folks, I think for all intents and purposes, it's eleven o'clock and I appreciate you all coming out tonight, You all have a good evening.

STATE OF KENTUCKY

COUNTY OF PERRY

I, Jim Kelly, a Notary Public for the State of Kentucky at Large, do hereby certify that this hearing **was** reported by me at the Hal Rogers Center, Hazard, Kentucky, on July 22, 2003; that said depoaiton was taken **by** me in notes and also mechanically recorded; and that the above is a true and correct transcript **of** said hearing.

Dated: July 28, 2003.

  
Notary Public, State of  
Kentucky at Large

My commission expires 5/9/04.